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# CAPE COD NATIONAL SEASHORE PARK

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON PUBLIC LANDS  
OF THE  
COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS  
UNITED STATES SENATE  
EIGHTY-SEVENTH CONGRESS  
FIRST SESSION  
ON  
S. 857  
TO PROVIDE FOR THE ESTABLISHMENT OF  
CAPE COD NATIONAL SEASHORE PARK

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MARCH 9, 1961

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Printed for the use of the Committee on Interior and Insular Affairs



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# CAPE COD NATIONAL SEASHORE PARK

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THURSDAY, MARCH 9, 1961

U.S. SENATE,  
SUBCOMMITTEE ON PUBLIC LANDS  
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,  
*Washington, D.C.*

The subcommittee met, pursuant to other business, in room 3110, New Senate Office Building, Hon. Alan Bible (chairman of the subcommittee) presiding.

Present: Senators Alan Bible (Nevada); Clinton P. Anderson (New Mexico); Ernest Gruening (Alaska); Frank E. Moss (Utah); Oren E. Long (Hawaii); J. J. Hickey (Wyoming); Gordon Allott (Colorado); Hiram L. Fong (Hawaii).

Senator BIBLE. We will now move on to our hearing on S. 857, entitled "A bill to provide for the establishment of Cape Cod National Seashore Park."

I should like to have placed in this hearing record this bill introduced by the senior Senator from Massachusetts, Senator Saltonstall, for himself and the junior Senator from Massachusetts, Senator Smith.

I should also like to have introduced immediately after the bill the official report from the Interior Department, signed by Secretary Stewart Udall, directed to the chairman of the full committee, Senator Clinton Anderson, under date of March 7, 1961.

(The bill and report referred to follow:)

[S. 857, 87th Cong., 1st sess.]

A BILL To provide for the establishment of Cape Cod National Seashore Park

Whereas the coastal and shoreline area on Cape Cod, Massachusetts, possesses unique cultural, scenic, historic, scientific, and recreational values; and

Whereas these values are an important and irreplaceable part of the heritage of the United States; and

Whereas these values should be preserved and enhanced for the benefit and inspiration of all of the people of the United States of present and future generations; and

Whereas an adequate and representative portion of Cape Code should be set aside and developed to assure its unimpaired use and enjoyment for varied cultural, scenic, historic, scientific, and recreational purposes: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) the area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b), is designated for establishment as Cape Cod National Seashore Park (hereinafter referred to as "the park").

(b) The area referred to in subsection (a) is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts; thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the sand dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary;

thence along the boundaries of the Province Lands Reservation northwesterly to the point where it crosses the southwesterly right-of-way line of State Route 6A;

thence northwesterly along said southwesterly right-of-way line of said State Route 6A for approximately 2,400 feet;

thence crossing said State Route 6A, and in a generally northwesterly direction for approximately 4,500 feet to a point approximately 400 feet beyond the southern boundary of the Province Lands extended southwestward from Clapps Pond;

thence northeasterly approximately 7,800 feet to a point on the easterly right-of-way line of Race Point Road, said point being approximately 900 feet generally north of a corner of the Province Lands Reservation boundary;

thence southeasterly to the easternmost corner of the Province Lands Reservation, being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a generally easterly direction crossing the Truro-Provincetown town line to and continuing in the town of Truro to a point four-tenths of a mile southeasterly of Highland Road;

thence leaving the northerly right-of-way line of United States Route 6 and running due east two-tenths of a mile;

thence turning and running in a southeasterly direction paralleling the general alignment of United States Route 6 and generally distant therefrom two-tenths of a mile crossing Pamet Road and continuing to a point three-tenths of a mile southerly thereof;

thence westerly to Mill Pond Road and crossing it and continuing along the southern right-of-way line of said road to its intersection with Old County Road;

thence following the easterly right-of-way line of Old County Road southward to a point opposite the southerly right-of-way line of Ryder Beach Road at its intersection with Old County Road;

thence eastward to a point 300 feet east of the easterly right-of-way line of said Old County Road;

thence in a southerly direction paralleling Old County Road at a distance of 300 feet to the east of the easterly right-of-way line of said road to a point 600 feet south of the southerly right-of-way line of Prince Valley Road;

thence in a generally westerly direction, crossing Old County Road and the New York, New Haven and Hartford Railroad right-of-way to the southern extremity of the Town Landing and Beach in the Ryder Beach area, and continuing to a point in Cape Code Bay a quarter of a mile offshore from the mean low-water line at said extremity of the Town Landing and Beach;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Code Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and



parallel to the mean low-water line on the westerly side of Wellfleet Harbor to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1958) ;

thence north to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor ;

thence following the mean high-water line southwesterly, northwesterly, and northeasterly to the easterly right-of-way line of Chequesset Neck Road at its crossing of Herring River ;

thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek ;

thence crossing Mill Creek in a northeasterly direction to the 20-foot contour level near to and northeast of the confluence of Mill Creek and Herring River ;

thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet quadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road ;

thence crossing said marshy stream along said easterly right-of-way line of said medium duty road, and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream ;

thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium duty road ;

thence following said unimproved dirt road northwesterly for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes ;

thence following said 20-foot contour line in an easterly direction to Route 6 ;

thence crossing Route 6 and continuing to a point on the easterly right-of-way line of a power transmission line as depicted on the said Wellfleet quadrangle sheet ;

thence in a general southerly direction along the said easterly right-of-way line of a power transmission line to the Eastham-Wellfleet town line ;

thence southeasterly for a distance of approximately 5,200 feet to a point due north of the intersection of the easterly right-of-way line of Nauset Road with the northerly right-of-way line of Cable Road ;

thence due south to the intersection of the said easterly right-of-way line of Nauset Road and the said northerly right-of-way line of Cable Road ;

thence in a general southerly direction crossing Cable Road and along said easterly right-of-way line of Nauset Road to a point 500 feet north of the northerly right-of-way line of Doane Road and its intersection with Nauset Road ;

thence west to a point 500 feet west of the westerly right-of-way line of Nauset Road ;

thence southerly and westerly 500 feet from and parallel to the said right-of-way line of Nauset Road to the easterly right-of-way line of Salt Pond Road ;

thence southerly along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road ;

thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6 ;

thence southerly along the easterly right-of-way line of United States Route 6 to a point four-tenths of a mile southerly of the intersection of Locust Road and United States Route 6 ;

thence easterly to a point one-tenth of a mile from United States Route 6 ;

thence turning and running in a generally southerly direction paralleling the general alinement of United States Route 6 and generally distant

therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prentice Road extended;

thence southeasterly along the stream and continuing to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southerly in the town of Orleans to the easterly edge of the Nauset Harbor Channel as depicted on the United States Geological Survey Orleans quadrangle sheet (1946);

thence in a generally southerly direction along the said easterly edge of the Nauset Harbor Channel to a point due south of the southwesterly tip of Nauset Beach on the north side of the entrance to Nauset Harbor from the Atlantic Ocean as depicted on the said Orleans quadrangle sheet;

thence due south to the twenty-foot contour in Nauset Heights as delineated on the said Orleans quadrangle sheet;

thence generally southerly along the said 20-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwesterly along a line intersecting Beach Road at a point two-tenths of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to the head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly around Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the centerline of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile off-shore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

Also included in such area are lands located in the town of Chatham and more particularly described as follows:

Beginning at a point on the northwesterly corner of the boundary of Monomoy National Wildlife Refuge at the mean low-water line on the western shore of Morris Island;

thence generally southerly, westerly, southerly, easterly, and northerly along the exterior boundary line of said Monomoy National Wildlife Refuge to a point on the northeasterly corner of said refuge located on the mean low-water line on the eastern shore of Morris Island;

thence northerly, westerly, and southerly along the mean low-water line of Morris Island and Stage Island to the point of beginning.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 1 of this Act or which lies within the boundaries of the park as described pursuant to section 3 of this Act (both together hereinafter in this Act referred to as "such area"). Any property, or interest therein, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 1 of this Act or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such



area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(b) In exercising his authority to acquire property in accordance with the provisions of subsection (a) of this section, the Secretary shall have authority to incur obligations and enter into contracts involving the expenditure of funds authorized by section 10 of this Act for the acquisition of property and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

(c) The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under this Act, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under this Act.

(d) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(e) As used in this Act the term "fair market value" shall mean the fair market value as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage in the area described in section 1 of this Act that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish Cape Cod National Seashore Park by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the park which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 1 of this Act; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for Barnstable County, Massachusetts.

SEC. 4. (a) (1) The beneficial owner or owners of improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of such acquisition.

(2) The beneficial owner or owners, not being a corporation, of a freehold estate in improved property which property the Secretary acquires by condemnation, who held, on September 1, 1959, with respect to such property, an estate of the same nature and quality, may elect, as an alternative and not in addition to whatever right of election he or they might have under paragraph (1) of this subsection, to retain the right of use and occupancy of the said property for noncommercial residential purposes (i) for a term limited by the nature and quality of his or their said estate, if his or their said estate is a life estate or an estate *pur autre vie*, or (ii) for a term ending at the death of such owner or owners, or at the death of the survivor of them, if his or their said estate is an estate of fee simple.

(3) Where such property is held by a natural person or persons for his or their own life or lives or for the life or lives of another or others (such person or persons being hereinafter called "the life tenant"), with remainder in another or others, any right of election provided for in paragraph (2) of this subsection shall be exercised by the life tenant, and any right of election provided for in paragraph (1) of this subsection shall be exercised by the concurrence of the life tenant and the remainderman or remaindermen.

(4) The beneficial owner or owners of a term of years in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term not to exceed the remainder of his or their said term of years, or a term of twenty-five years, whichever shall be the lesser. The owner or owners of the freehold estate or estates in such property may, subject to the right provided for in the preceding sentence, exercise such right or rights of election as remain to them under paragraph (1) and (2) of this subsection.

(5) No right of election accorded by paragraphs (1), (2), or (4) of this subsection shall be exercised to impair substantially the interest of holders of encumbrances, liens, assessments, or other charges upon or against the property.

(6) Any right or rights of use and occupancy retained pursuant to paragraphs (1), (2), and (4) of this subsection shall be held to run with the land, and may be freely transferred and assigned.

(7) In any case where a right of use and occupancy for life or for a fixed term of years is retained as provided in paragraph (1), (2), or (4) of this subsection, the compensation paid by the Secretary for the property shall not exceed the fair market value of the property on the date of its acquisition by the Secretary, less the fair market value on such date of the said right retained.

(8) The Secretary shall have authority to terminate any right of use and occupancy of property, retained as provided in paragraph (1), (2), or (4) of this subsection, at any time after the date when any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in regulations issued pursuant to section 6 of this Act and in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning bylaw approved in accordance with said section 6 which is in force and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event that the Secretary exercises the authority conferred by this paragraph, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained on the date of termination.

(b) (1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within such area in all of the towns referred to in section 1 of this Act for one year following the date of its enactment.

(2) Thereafter such authority shall be suspended with respect to all improved property located within such area in any one of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 5 of this Act.

(c) The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after the date of enactment of this Act provided such application is made not later than the date of establishment of the park.

(d) The term "improved property," wherever used in this Act, shall mean a detached, one-family dwelling the construction of which was begun before September 1, 1959 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

Sec. 5. (a) As soon after the enactment of this Act as may be practicable, the Secretary shall issue regulations specifying standards for approval by him of zoning bylaws for purposes of section 4 of this Act. The Secretary may issue



amended regulations specifying standards for approval by him of zoning bylaws whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions. The Secretary shall approve any zoning bylaw and any amendment to any approved zoning bylaw submitted to him which conforms to the standards contained in the regulations in effect at the time of the adoption by the town of such bylaw or such amendment. Such approval shall not be withdrawn or revoked, nor shall its effect be altered for purposes of section 4 of this Act by issuance of any such amended regulations after the date of such approval, so long as such bylaw or such amendment remains in effect as approved.

(b) The standards specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the park which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area comprising the park, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning bylaw consistent with the laws of Massachusetts.

(c) No zoning bylaw or amendment of a zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the park, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such bylaw or amendment.

(d) If any improved property with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the adoption and approval, in accordance with the foregoing provisions of this section, of a zoning bylaw applicable to such property (hereinafter referred to as "such bylaw")—

(1) is made the subject of a variance under or an exception to such bylaw, which variance or exception fails to conform or is in any manner opposed to or inconsistent with an applicable standard contained in the regulations issued pursuant to this section and in effect at the time of the passage of such bylaw (but if such bylaw has been amended at the time of the passage of the most recent amendment), or

(2) any use with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such regulations, which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in such regulations (but no use which is in conformity with the provisions of such bylaw shall be held to fail to conform or be opposed to or inconsistent with any such standard),

the Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: *Provided, however,* That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the park.

SEC. 6. The Secretary shall furnish to any interested person requesting the same, a certificate indicating, with respect to any property located within the park as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of this Act, that such authority has been so suspended and the reasons therefor.

SEC. 7. (a) In order to provide compensation for tax losses sustained by the towns referred to in section 1 of this Act as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such town in which such real estate is located, and which has been authorized, under the laws of Massachusetts, to assess taxes upon real estate to the person who is in possession thereof and to assess taxes upon any present interest in real estate to the owner of such interest, in accordance with the following schedule: For the calendar year in which the real estate is acquired in fee simple absolute, an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case where an amount in excess of the difference between such proportionate

amount and such full amount has already been paid to the town by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the town. For the two succeeding calendar years there shall be paid on account of such real estate an amount equal to the full amount of tax assessed thereon in the year of acquisition.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary has ever acquired less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such towns in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of such towns, and such amounts shall be paid to the respective towns by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. 8. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535); as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496); except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b) (1) The Secretary shall develop for appropriate public uses such portions of Cape Cod National Seashore Park as he deems especially adaptable for such uses, including camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural features of Cape Cod, and other recreational activities of similar nature. The Secretary may also provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for the purpose. Except for such public use areas and except for improved property therein, the park shall be permanently reserved as a primitive wilderness and no development of the park or plan for the convenience of visitors shall be undertaken by the Secretary which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in the area described in section 1 of this Act or with the preservation of such historic sites and structures as he may designate.

(2) In developing the park the Secretary shall provide public use areas in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the park.

(c) Notwithstanding any other provision of this Act, land and waters now or hereafter included in any migratory bird refuge within the boundaries of the park shall continue as such refuge under applicable laws and regulations, but such lands and water shall be a part of the park and shall be administered by the Secretary for public uses not inconsistent with the purposes of such refuge under such rules and regulations as the Secretary may prescribe. Nothing in this Act shall limit the power of the Secretary to acquire lands and waters for any migratory bird refuge. Notwithstanding any other provision of this Act, Morris and Stage Islands shall be administered as a sanctuary in which the flora and fauna shall be preserved and where camping and other such major activities and developments for the accommodation of visitors shall be prohibited.

(d) The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the park in such areas and under such regulations as he may prescribe. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave the regulation of the taking of shellfish to the towns referred to in section 1 of this Act.



SEC. 9. (a) There is hereby established a Cape Cod National Seashore Park Advisory Commission (hereinafter referred to as the Commission). Said Commission shall terminate ten years after the date the park is established under section 3 of this Act.

(b) The Commission shall be composed of nine members each appointed for a term of two years by the Secretary as follows:

(1) Six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in the first section of this Act, one member from the recommendations made by each such board;

(2) Two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

(3) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore Park, and shall consult with the members with respect to carrying out the provisions of sections 4 and 5 of this Act.

(g) No permit for the commercial or industrial use of property located within the park shall be issued by the Secretary without the advice of the Commission, and after its termination, without the advice of the board of selectmen of the town in which such property is located, if such advice is submitted within a reasonable time after it is sought.

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than \$16,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

SEC. 11. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

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U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., March 7, 1961.

HON. CLINTON P. ANDERSON,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR ANDERSON: Your committee has requested a report on S. 857, a bill to provide for the establishment of Cape Cod National Seashore Park.

We recommend most strongly early enactment of the bill, and we recommend the adoption of our suggested amendments.

The Department feels that little time remains to save a representative and significant portion of Cape Cod for the enjoyment of future generations. Unless action is taken in the near or immediate future to acquire and preserve lands at Cape Cod for public enjoyment, it seems quite evident that the Cape's traditional atmosphere and character will vanish under construction activity now underway there.

Section 1 of the bill designates certain lands and waters, together with improvements, as the Cape Cod National Seashore Park; section 2 authorizes the Secretary of the Interior to acquire the lands, waters and improvements by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise. Section 2 also gives the Secretary the legal power to obligate authorized funds in the property acquisition process.

In the bill there are conditions under which the lands may be acquired and restrictions on the condemnation process. State and town owned lands may be acquired only with the concurrence of the State and town. The owners of

"improved property" (a detached one-family dwelling the construction of which was begun before September 1, 1959) may elect to retain their property for their use and occupancy for periods determined by the nature of their title. The bill suspends, for 1 year, the Secretary's authority to condemn improved property; thereafter, condemnation authority is suspended with respect to improved property during the time that a valid town zoning bylaw is in force. Moreover, the Secretary's power to condemn commercial property is suspended while application to the Secretary for continuation of a commercial use is pending.

Section 7 of the bill deals with payments in lieu of taxes. It provides compensation to the towns for their losses resulting from the Secretary's acquisition of fee simple absolute title to privately owned real estate and improvements. If this section is enacted, compensation to tax losses would be paid for that fraction of the calendar year in which the Secretary acquired the land plus an additional two full calendar years thereafter. Payments in lieu of taxes would not be made on property acquired by the Secretary after December 31 of the 25th year following the date of enactment of the bill.

Cape Cod, which is not only the most extensive natural seashore area in New England but also one of the finest on the North Atlantic coast, represents perhaps the last opportunity this Nation will have to save a seashore of national significance north of Cape Hatteras. Five years ago the National Park Service made a survey of the Atlantic and gulf coasts. It found that almost every attractive seashore area had been, or was being, preempted for private development; only a fraction of our long seacoast was left for public use, and much of this was rapidly vanishing.

The outer arm of Cape Cod, close to the Nation's most densely populated region, however, is still largely in a natural state. The outstanding natural beauty, scientific interest, and historical significance of this peninsula give it national significance as a park resource, but its park values are being jeopardized by the rapid development of cape lands. The evidences of continental glaciation that helped to form Cape Cod and the evidences of erosion and deposition along cape shores provide important opportunities for geologic study. The plants and wildlife that mingle on Cape Cod in unusual variety give the area outstanding biological significance.

Moreover, Cape Cod has been a landmark of history since the days of the Vikings and was a center of the famed fishing and whaling industry. The Cape Cod house in the proposed national seashore, built before 1850, of which there are some 65, is in itself a landmark in American domestic architecture. All these features—geologic, biologic, historic—combine to give Cape Cod a scenic beauty which has lent the cape communities that unique charm enjoyed for a century by increasing numbers of visitors.

Cape Cod National Seashore Park as proposed, after years of study, would protect outstanding examples of these features from the tide of development engulfing the natural scenes along so much of America's seashore. Included in the proposed area is all the cape's 30-mile long Great Beach, with its commanding headlands, 8 square miles of some of the most spectacular sand dunes on the Atlantic seaboard, and stretches of scenic heathland, forest, and marsh. In its central portion, the proposed reservation stretches across the peninsula to include a representative portion of the Cape Cod Bay shore and the major areas of secluded fresh water ponds. Besides Monomoy National Wildlife Refuge would be included in the park, but administered so as not to conflict with refuge management; nearby Morris and Stage Islands, where major developments are prohibited, would be included and administered as a nature sanctuary.



In total, the Cape Cod National Seashore Park proposed in S. 857 includes, within boundaries believed to be sufficient for proper conservation, and public use, outstanding examples of the principal features which compose that unity of natural and historical values characterizing Cape Cod. So constituted, the preserve would be a nationally significant park resource for the enjoyment of the people of the United States, and still protect the amenities that the people of Cape Cod have so long enjoyed.

The bill would establish "Cape Cod National Seashore Park." This nomenclature would constitute a new designation in the National park System. In the interest of uniformity we prefer the name "Cape Cod National Seashore." Accordingly, we suggest the following amendments to the bill:

1. Delete the word "Park" from all references to the term "Cape Cod National Seashore Park."

2. Substitute the word "seashore" wherever the word "park" appears.

Subsection 2(b) deals with the important problem of authorizing the Secretary to enter into contracts for the acquisition of lands before funds are appropriated. While the Department sees obvious advantages in having available to it contract authorization for this purpose, such a provision permits a binding commitment of the Federal Government prior to consideration in an appropriation act. The pros and cons of such a provision are still under consideration within the executive branch. We will advise you of our recommendations shortly.

The parenthetical phrase on page 21 at lines 18, 19, and 20 appears to be incomplete. It seems the phrase could be deleted without doing violence to the subsection. Therefore, we suggest that it be deleted.

We do not recommend enactment of section 7 of the bill which authorizes payment in lieu of taxes. We doubt the desirability of enacting such legislation in piecemeal fashion. It is our judgment that this most important problem should be considered in general legislation rather than on a piecemeal basis. Accordingly, we suggest adoption of the following amendments:

1. Delete section 7 from the bill.

2. Change sections "8" to "7", "9" to "8", "10" to "9", and "11" to "10"; on page 13, line 7, change the "10" to "9."

We suggest further the following perfecting amendments:

1. On page 4, line 19, insert the word "South" between the words "Road" and "and"; on page 8, line 21, strike out the word "four" and substitute the word "two".

2. On page 17, lines 17 and 20, change the "6" to "5."

The estimated cost of acquiring the lands for Cape Cod National Seashore is \$16 million. The man-years and cost data statement required by the act of July 25, 1956, when annual expenditure of appropriated funds exceeds \$1 million, is enclosed.

The Bureau of the Budget advises that in his special message of February 23, 1961, on natural resources the President urged the enactment of legislation leading to the establishment of seashore and shoreline areas such as Cape Cod, Padre Island, and Point Reyes for the use and enjoyment of the public. Therefore, enactment of legislation to achieve this objective at Cape Cod would be in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,  
*Secretary of the Interior.*

*Man-years and cost data statement*

	Calendar year				
	19—	19—+1	19—+2	19—+3	19—+4
Estimated additional man-years of civilian employment:					
Executive direction:					
Acquisition Project Manager.....	0.5	1.0	1.0	1.0	1.0
Assistant Acquisition Project Manager.....	.5	1.0	1.0	1.0	1.0
Administrative assistant.....	1.0	1.5	2.0	3.0	1.0
Stenographic and clerical.....	1.0	1.5	2.0	3.0	2.0
Superintendent.....	1.0	1.0	1.0	1.0	1.0
Assistant superintendent.....	1.0	1.0	1.0	1.0	1.0
Total, executive direction.....	3.0	6.0	7.0	10.0	7.0
Administrative services:					
Clerical.....	1.0	2.0	3.0	3.0	3.0
Administrative aide.....	1.0	1.0	1.0	1.0	1.0
Total, administrative services.....	1.0	3.0	4.0	4.0	4.0
Substantive:					
Chief Ranger.....	1.0	1.0	1.0	1.0	1.0
Ranger.....	.5	2.0	2.0	3.0	8.0
Life guards.....	5.0	5.0	8.0	10.0	10.0
Laborers and craftsmen.....	3.0	4.0	4.0	4.0	6.0
Engineer.....	.5	1.0	1.0	1.0	1.0
Architect.....	.5	1.0	1.0	1.0	1.0
Landscape Architect.....	.5	1.0	1.0	1.0	1.0
Appraisers.....	1.0	2.0	2.0	2.0	2.0
Stenographic.....	.5	2.0	2.0	2.0	1.0
Total, substantive.....	3.5	17.0	22.0	25.0	29.0
Total, estimated additional man-years of civilian employment.....	7.5	26.0	33.0	39.0	40.0
Estimated additional expenditures:					
Personal services.....	\$35,000	\$110,000	\$150,000	\$175,000	\$200,000
All other.....	1,000,000	2,000,000	3,500,000	5,000,000	6,500,000
Total, estimated additional expenditures.....	1,035,000	2,110,000	3,650,000	5,175,000	6,700,000
Estimated obligations:					
Land and property acquisition.....	2,500,000	2,500,000	3,000,000	4,000,000	4,000,000
Development.....	250,000	500,000	1,000,000	1,500,000	1,350,000
Operations (management, protection, and maintenance).....	125,000	175,000	250,000	300,000	350,000
Total, estimated obligations.....	2,875,000	3,175,000	4,250,000	5,800,000	5,700,000

Senator BIBLE. My first listed witness for this particular bill is the Secretary himself, Secretary Udall.

I do not seem to see him here.

Mr. WIRTH (Conrad Wirth, Director, National Park Service). I do not think he has arrived yet, Mr. Chairman.

Senator BIBLE. Thank you, Mr. Wirth.

Senator Saltonstall is here.

We are very happy to see you, Senator Saltonstall, and we will be very glad to hear from you at this time.

# STATEMENT OF HON. LEVERETT SALTONSTALL, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator SALTONSTALL. Thank you very much, Mr. Chairman.

I know that my colleague, Senator Smith, will be here in a very few minutes. We thought that you were not going to be ready for us until half past 10. I came a little early, and I know he is on the way.

Senator BIBLE. If it does not inconvenience you, if you will start, then, possibly Senator Smith might be here in a few moments.

Senator SALTONSTALL. I know he has a prepared statement, just as I have.

Senator BIBLE. Very well. We will be delighted to hear from you first, Senator Saltonstall.

Senator SALTONSTALL. Thank you, Mr. Chairman.

I appreciate very much the committee's giving us the opportunity for a hearing at this early date.

Mr. Chairman, I am very pleased to appear before you this morning to testify on the proposal filed by me and my junior colleague from Massachusetts, Senator Smith, which would establish a Cape Cod National Seashore Park.

This bill was filed in its original form by Senator Kennedy and myself on September 3, 1959. This is the third hearing which this subcommittee has held on the project. I am grateful for your continued interest in an idea which I am proud to say has been developed carefully and well during the past 18 months, which has gained increasing support, and which is more urgently needed than ever at the present time.

My basic views, which have not changed, are already a matter of record to this committee, and, therefore, I shall attempt to avoid repetition and will be brief.

We are moving into the final stage of legislative consideration of this proposal. Only a few real points remain at issue, the rest have been substantially agreed upon. I am convinced that sentiment for a Cape Cod National Seashore Park largely the way it is drawn in this bill before you is strong on the lower cape, strong in the Commonwealth as a whole, strong in the executive branch of the Federal Government—with particular reference to the personal support of both President Kennedy and Secretary Udall, and strong in the Congress. We hope for and expect early action of a favorable nature.

S. 857 is, in effect, the second revision of the original proposal. Senator Kennedy and I submitted changes incorporated into a committee print which was before this subcommittee last June. That version struck a provision of the original bill setting aside in each town 10 percent of the private land included within the park area for future homebuilding, and added several improvements of a technical nature.

The legislation before us includes some additional revisions decided upon after close consultation between the two senatorial offices, the National Park Service, and the White House staff.

The new bill contains boundary changes in four of the six lower-cape towns involved, excluding approximately 1,500 acres from the park as originally proposed equaling over 8 percent of the total privately owned land contained in the original bill, and which in each case were based on requests made by the respective boards of selectmen of the four towns at the House Subcommittee on Public Lands hearings in Eastham in December.

These changes were made in an effort to answer reasonably the genuine needs of the towns concerned and at the same time to preserve the contiguity of the park so necessary to proper administration and conservation.



Of course, all the cutting out asked for by the local towns—which in many cases was excessive in amount of land, and illogical and unreasonable with reference to the express intent of the bill to preserve and conserve—was not honored. But where we felt that some paring would be in the interest of the towns' real economic growth needs without seriously damaging the purposes of the park boundary revisions have been made, keeping in mind expert testimony from the Park Service—who will administer this project if it becomes law—stating that the original boundaries represented the minimum area which could be recommended and that proposed exclusions might greatly impair the plan.

S. 857 also designates Morris and Stage Islands as a nature sanctuary, with "camping and other major activities and developments for the accommodation of visitors" prohibited.

In other words, Morris and Stage Islands are a nature sanctuary and not a park.

This change should prevent the kind of traffic congestion which could eventually impair the traditional character of the town of Chatham and at the same time prevent unseemly tenting impairing the natural beauty of Morris and Stage Islands, because ordinary public uses in the islands' area are expressly prohibited.

I want to make it clear to the committee that S. 857 represents the best collective thinking we can reach at this point. We do not feel that it is perfect, and there are a lot of very sensible and thoughtful and conscientious Massachusetts citizens here who may give you some very helpful improvements. It may be possible that it may be improved upon.

We do not feel that it solves all problems, or that it cannot be improved upon. I, personally, do not feel that way about any bill, and I do want you to know that my mind is not closed on any of the matters which remain at issue, boundaries or otherwise. The bill which is before you, we are persuaded, is the best that we can recommend. We do welcome the fresh and creative consideration of the committee on its various provisions.

At the hearing held last June, I gave a succinct report on mail received by me with reference to this legislative proposal. I think this is helpful, although I do not suggest that congressional mail gives foolproof evidence of public opinion. Since S. 857 was filed on February 9, I have received 89 letters from Massachusetts expressing an opinion for or against the bill. Eighty were in favor and nine opposed. Included were 35 letters from Cape Cod itself. Of these, 30 were in favor and 5 opposed.

Because a considerable amount of time has passed and much activity has been expended since the original bill was filed, there is a tendency to overlook some of the unique features of the plan which guarantees the local towns and townspeople privileges and protection which are in some cases virtually unprecedented in legislation of this kind.

With this in mind, I ask the committee's permission to have included in the record of these hearings at this place a statement entitled "Special Provisions in Proposed Cape Cod National Seashore Legislation for the Protection of Local Interests."



Senator BIBLE. It may be understood that that can be included in the record at that point, Senator Saltonstall.

Senator SALTONSTALL. Thank you.

(The statement referred to follows:)

SPECIAL PROVISIONS IN PROPOSED CAPE COD NATIONAL SEASHORE LEGISLATION  
FOR THE PROTECTION OF LOCAL INTERESTS

Recognizing the rights and interests of the towns and individuals who would be affected by establishment of a Cape Cod National Seashore, the Massachusetts Senators and Representatives who drafted the unique conservation legislation now before the Congress have incorporated many protective provisions in their bills. These provisions grant significant concessions to Cape Codders and their communities in the interest of reconciling national and local needs and objectives.

The legislation goes far in granting reasonable requests of the towns for boundary retractions in a proposal which professional park planners have called minimal to fully achieve national seashore objectives. First, Chatham's 260-acre Hardings Beach and a 67-acre privately owned tract in Provincetown were eliminated. Recently a total of 1,518 acres requested by the towns have also been excluded from the proposal in Provincetown, Truro, Wellfleet and Eastham.

The National Park Service had previously carefully excluded all town centers, from the national seashore proposal, together with more room for additional growth than is now in developed use after three centuries of settlement on Cape Cod.

Most significant, perhaps, of all the provisions in the proposed legislation protective to Cape Cod and established homeowners is that which would exempt most homes from condemnation so long as they meet local zoning standards approved by the Secretary of the Interior. This, in effect, may well remove 10 percent of the land within the proposed national seashore from that jurisdiction, allowing for its continued enjoyment by private owners for an indefinite period and leaving the property on the town tax rolls.

Exempting such developed properties from park acquisition would have the effect of removing additional lands—perhaps another 10 percent—of the park area from public use, because private properties in many places would block property access to or use of the park lands.

Opportunities for homeowners to sell their property for the national seashore yet continue to enjoy residence there was provided in sections of the proposed law authorizing a choice of 25-year or life tenancy for homeowners wishing to sell yet remain in residence.

The legislators have sought to cushion the economic impact of park establishment on the six towns by including in the authorizing legislation Federal payments in lieu of local tax revenues lost as a result of Federal land acquisition. As a result of congressional hearings, the National Park Service undertook a precautionary economic study of the effects of national seashore establishment upon the cape. The results indicate that the cape towns will reap substantial economic benefits as a result of the proposed Federal preserve.

To reassure Cape Cod citizens that national seashore establishment will preserve the traditional cape scene rather than resulting in undesirable mass recreation use, the legislators have emphasized the conservation objectives of their proposed legislation. In one areas, for instance—that comprising Morris and Stage Islands—they have specifically called for sanctuary status to preclude heavy public use there and to protect the scenic amenities of the town of Chatham.

Historic preservation of old buildings has also been emphasized. Many historic homes on the cape have been studied as part of the Historic American Buildings Survey with this in view, and it is anticipated that several areas within the proposed seashore would be made into historic districts to protect their traditional character and charm.

That local residents may take a direct hand in advising the Secretary of the Interior on Cape Cod National Seashore policies, a special advisory commission of local and State representatives is provided for in the pending legislation.

Senator SALTONSTALL. I am convinced that under this bill the Department of the Interior will give the respected and responsible property owners of the Lower Cape, living within the park area and their children to come, the most sympathetic consideration and cooperation, enabling them to hold and administer their property as they have in the past, subject to the equitable restrictions which the bill provides and which lie within the administrative authority and judgment of the Secretary. I hope very much that this will be recorded as the clear sense of the Congress.

Concerning the cost of this proposal, the bill itself authorizes such sums as may be necessary to carry out the provisions of the act with a limitation of \$16 million placed on the appropriation for the acquisition of land for the park. The Park Service has estimated the cost of necessary new development for the park during the first 5 years at \$4,600,000. Total operation costs—for management, protection and maintenance—for the same time period is set at \$1,200,000.

Congressman Hastings Keith of the Massachusetts Ninth District which includes Cape Cod, who is a cosponsor of the original legislation and has worked long and hard in conjunction with us for the successful fruition of this project, submitted some largely technical amendments to this legislation at the House Subcommittee on National Parks hearing on Monday. These include strengthening the local membership and participation on the park's Advisory Commission and revised language giving more emphasis to the park's conservation guarantees rather than to its recreational features. Senator Smith and I are happy to support these proposed amendments.

Senator Smith will be here to speak for himself, and I hesitate to say that, but we have consulted together.

I therefore submit them to the committee with the request that they also be included in the record of this hearing at this place.

Senator BIBLE. The suggested amendments will be received and will be considered by the committee.

(The proposed amendments referred to follow:)

#### PROPOSED AMENDMENTS TO S. 857 BY CONGRESSMAN HASTINGS KEITH

##### AMENDMENT TO SECTION 4

Page 19: Insert after line 18 the following new subsection:

"(e) Nothing in this section or elsewhere in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances."

##### AMENDMENT TO SECTION 8

Page 24: Delete subsection (b) (1) and insert in lieu thereof the following:

"(b) (1) In order that the park shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod within the park by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided, further*, That the Secretary may develop for appropriate public uses such portions of the park as he deems especially adaptable for camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural features of Cape Cod, and other activities of similar nature.



## AMENDMENTS TO SECTION 9 (ADVISORY COMMISSION PROVISION)

Page 27, line 6: Delete "nine" and insert in lieu thereof "ten".

Page 27: Insert after line 13 the following new paragraph:

"(2) One member to be appointed from recommendations of the County Commissioners of Barnstable County, Commonwealth of Massachusetts."

Page 27, line 14; page 27, line 17: Renumber paragraphs "(2)" and "(3)" as "(3)" and "(4)" respectively.

Page 28: Delete subsection (g) and insert in lieu thereof the following:

"(g) No permit for the commercial or industrial use of property located within the park shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the park, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought."

Page 28: Insert after subsection (g) the following new paragraph:

"(h) (1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of Sections 281, 283, 284, and 1914 of Title 18 of the United States Code and Section 190 of the Revised Statutes (5 USC 99) except as otherwise specified in subsection (2) of this section.

"(2) The exemption granted by subsection (1) of this section shall not extend—

"(i) to the receipt or payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment, or,

"(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment."

Senator SALTONSTALL. Thank you, Mr. Chairman.

Also, we support two amendments proposed at the hearing last June by the Massachusetts Audubon Society, which have the approval of the National Park Service. These would include the Massachusetts Audubon Society's Wellfleet Bay sanctuary within the boundaries of the proposed park. These amendments were erroneously omitted from S. 857, and I ask also that they be placed in the record at this place for the purpose of continuity.

Senator BIBLE. That may be understood, and will be the order.

(The amendments referred to follow:)

## MASSACHUSETTS AUDUBON SOCIETY'S AMENDMENTS TO S. 857

On page 12, between lines 7 and 8, insert the following:

"Also included in such area are lands and waters located in the town of Wellfleet and more particularly described as follows:

"A parcel of land in Wellfleet bounded westerly by the low water line of Wellfleet Harbor; southerly by the boundary between the Towns of Wellfleet and Eastham; westerly again and southerly again by said boundary where it follows Hatch's Creek; easterly by a line running true south to Hatch's Creek from a southerly corner of land shown as owned by Oliver L. Austin and contiguous to land of Joseph M. Dill and Everett S. Osterbank, on Plan of Land in Wellfleet by Arthur L. Sparrow Engineer, September 1931, filed in the Massachusetts Land Registration Office August 25, 1933, about 300 feet; south-easterly by said Osterbank land shown on said Plan, 816.35 feet; southerly by said Osterbank land, about 1,740 feet, and by a town road or way shown on said Plan as running from the road crossing at the northeast corner of said Osterbank land easterly to the State Highway, about 600 feet; easterly by said State Highway, about 4,200 feet; northerly by land shown on said Plan as land of Leonard B. Dill, 118.78 feet; westerly by said Dill land 179.59 feet; northerly by said Dill land, 1,273.62 feet; easterly and northerly by a salt creek shown on said Plan as 'Brook'; northerly and westerly by the water course shown on said Plan as 'The Run'; northerly by a line running from the confluence of The Run with Wellfleet Harbor to the low water line of said Harbor."



On page 26, immediately after line 25, insert the following new subsection :

"(e) The Secretary may enter into cooperative agreements with nonprofit organizations owning and operating property within the park for conservation, scientific, or educational purposes, under which such organizations may be permitted to retain and operate all their property within the park subject to conditions approved by the Secretary as insuring that such operations will be consistent with and will promote the purposes of this Act."

Senator SALTONSTALL. Thank you.

I make the same request for certain letters I have, written by the Chatham Park commissioners, Conrad L. Wirth, Director of National Park Service, and various Chatham residents, concerning the question of whether Morris and Stage Islands should be included within the park in the manner presently spelled out in the bill.

Also two additional letters: One written by an Eastham resident with reference to resolutions acted upon in the recent Eastham town meeting, and one written by a Provincetown resident concerning the question of whether certain areas of the province lands in that town should be excluded from the park area under the new bill.

I would like to include those in the record.

Senator BIBLE. It is so ordered. They all will appear in an appropriate place in the record.

(The correspondence submitted appears in the appendix to the hearing record. See p. 125 ff.)

Senator SALTONSTALL. In conclusion, let me say that I hope the remaining time which is spent on this proposed legislation will be used profitably. I was somewhat disappointed to learn of certain sentiments recently voiced at town meetings on the lower cape, and at some of the testimony which reportedly took place during the House hearings.

I hope that all of these good people—and they are good people, and conscientious people—who are sincerely involved in this project will now give their most cooperative efforts to resolving constructively the few questions remaining. Last minute tactics of delay and obstruction by a handful who either resent the whole idea of a park, or who are unduly upset with a given boundary problem, only serve to frustrate both national and local interests in an irresponsible manner and fail to do credit to the hard work and reasonable approach which has typified the role of all parties involved in this project from its start.

Thank you very much, Mr. Chairman.

And may I say to my colleague, who has arrived since I started my statement, that I went forward with it, stating that you and I had worked on this project together, and I thought we were in accord, but that I wanted you to speak for yourself.

Senator BIBLE. Thank you very much, Senator Saltonstall.

I have no questions. I think that was a splendid presentation, and I know it will be helpful to the committee in arriving at a sound determination of this problem.

Senator Allott?

Senator ALLOTT. I have no questions, but I just want to say that I think the Senator has always presented a very fair presentation here; knowing of the many problems that he has locally, his consideration of people and their interests is very characteristic of him.

Senator SALTONSTALL. Thank you, Senator.

Senator GRUENING. I have no questions.

I want to compliment the gentleman from Massachusetts.

Senator SALTONSTALL. I will just say to my colleague from Alaska that he was formerly a resident of Massachusetts and Maine, and one who gave great consideration to all of these problems and was always interested in them.

Senator GRUENING. I am one who has enjoyed the wonderful beauties of Cape Cod and the nice warm waters adjacent thereto.

Senator BIBLE. This is a tempting opportunity to compare the beauties of Alaska and Massachusetts, but we will not do so at this moment.

Senator Fong?

Senator FONG. Having lived in Cambridge for 3 years, and having visited Boston, I will go along with the Senator in what he asks.

Senator BIBLE. Senator Moss?

Senator MOSS. I am very happy to hear the testimony this morning of Senator Saltonstall. I think it is apparent from what the Senator has given us this morning that this bill has had long and painstaking and careful consideration. There are a great many small problems to be worked out on boundaries, but I believe that those problems have been resolved and refined to the point where certainly I think we must go head on this bill.

Senator SALTONSTALL. Thank you. I know that the Senator from Utah was down on the cape and flew over a lot of this area and has a very good understanding of the problem.

Senator BIBLE. Senator Long?

Senator LONG. Mr. Chairman, I interpreted part of the remarks made by the distinguished Senator from Massachusetts in relation to the Nation and particularly Hawaii. We must preserve for our people those choice spots, be they on the mountains or on the seashore, for all the people. We cannot do less.

Senator BIBLE. Thank you very much.

And thank you, Senator Saltonstall.

And we are now delighted to recognize your colleague, the distinguished junior Senator from Massachusetts, Ben Smith.

Senator Smith.

## STATEMENT OF HON. BENJAMIN A. SMITH, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator SMITH. Mr. Chairman, members of the committee, it is a privilege to appear before you this morning to support Senate bill 857, establishing a National Seashore Park on Cape Cod.

One of my first projects upon coming here to Washington in January was to study the park bill that Senator Saltonstall and President Kennedy had introduced last year.

After considering the comments that had been made on that bill by interested parties, Senator Saltonstall and I made certain changes resulting in our cosponsorship of the present legislation.

I gave this legislation priority, and I hope this committee will give it priority, for two reasons: First, I deeply believe in the idea of a national park on Cape Cod. In recent years, as more and more acreage on the east coast has been turned over to suburban development, Cape Cod has become one of the few relatively unspoiled areas,



where those of us who love the ocean can retreat, for a weekend, a vacation, or a permanent home. Nevertheless, the trend there has been to more and more commercial development, and unless a park is created soon, this trend cannot be stopped.

We all realize there is just so much of the sea coast, and it seems to be going pretty fast to individuals and commercial people.

I have been extremely impressed with the plans the National Park Service has drawn up for development of the park. I feel that their plans, and their past record of administration, guarantee that the park will serve the interests of all the people of my own State and of the country.

Secondly, I have given this legislation priority because further delay would be dangerous. The original legislation was submitted 2 years ago. Six separate hearings have been held by committees of the Congress, in Washington and on the cape itself. It is important to reach some final decision in this session of Congress. The longer we wait, the harder it will be to accomplish our purpose, which is to devise a workable plan for a park which will maintain the traditions and legitimate economic interests of the people of the townships of the lower cape.

If the past is any indication, further delay will result in additional commercial development in the areas that should be included in the park. This will increase the pressure for their exclusion, and also result in a higher cost to the Government if and when land in these areas has to be acquired.

Further delay will also impair the normal transfer of land on the cape. No one will buy, no one will build, until they are certain whether their land will be in or outside of the park boundaries.

And finally, further delay will deprive the public—the visitors to the cape—of the early benefits of national park management.

In our work on this bill, the senior Senator and I have been very fortunate to have had the fine cooperation of Congressman Hastings Keith of the Ninth Congressional District of Massachusetts. He has made many suggestions and we have accepted many of them as amendments to our current bill. As he told the House committee earlier this week, our disagreement has now been limited to two points: the duration of the advisory committee, and the question of boundaries.

I have received a great deal of correspondence from citizens of Cape Cod concerning the proper boundaries for the park. Their views have differed widely. Some are pleased with the boundaries as our Senate bill is drawn. Others are disappointed that certain areas have been left out of the park. Others have been disappointed that certain areas have been left in. This diversity of opinion, sincerely held and forcefully expressed, is typical of the individualism that has been characteristic of Cape Codders for hundreds of years.

I hope that this committee will give close attention to the testimony of the town representatives. These people have come down here at their own expense to express their individual views on a matter that affects them more than anybody else.

My mail has also reflected great interest in the park from people in sections of Massachusetts outside of the cape. These people have not been able to appear to testify, but to give the committee some idea of their views, I would like at this time to insert in the record



the following Boston Globe editorial dated February 10, 1961, entitled "Cause for Cheers," editorial from the Worcester Gazette of February 14, 1961, entitled "Protection for the Cape," editorial from the Boston Traveler dated February 21, 1961, entitled "Cape Tide Running Out," and editorial from the Worcester Telegram of February 24, 1961, entitled "The Cape Cod Park."

Senator BIBLE. The editorials may be received and incorporated in the record.

(The editorials appear in the appendix to the record.)

Senator BIBLE. I assume the editorials are favorable to the establishment of a Cape Cod Seashore National Park. Is that correct?

Senator SMITH. That is right.

I also would like to present some of these letters from our constituents that I have mentioned.

Senator BIBLE. The letters may be received and appropriately referred.

(The letters submitted appear in the appendix. See p. 125 ff.)

Senator BIBLE. How do the letters run? Some for, and some against?

Senator SMITH. Most of them are for. There are one or two that are against.

Senator BIBLE. The great majority of the letters you have received since introduction of the bill are in favor of the bill, but with some opposition?

Senator SMITH. That is right.

Senator BIBLE. Thank you.

Senator SMITH. This is the first time that a national park is to be carved out of so populous an area. I think it especially important that the provisions protecting the property interests of the citizens of the cape, and the provisions protecting the tax base of the towns, be perfected. Provisions should also be made that will encourage cooperation between the towns and the Park Service. After all, they are both going to have to live on the cape, and they will need each other.

I again want to stress a thing that I think is so important, that action be taken now on this program, or the danger of losing it forever will be with us. And I know of no finer area on the entire Atlantic seaboard than this Cape Cod district for such a park.

I certainly appreciate this opportunity to appear before you, and I am sure that you will act wisely on it, and I am sure that the Park Service can administer this, once it is accepted, and I am sure the towns can live with it and that the people of this country can appreciate it as a bold attempt to preserve the history and the beauty of one of the finest sections of America.

Thank you.

Senator BIBLE. Thank you very much, Senator Smith, for your very able statement and presentation on behalf of the Cape Cod National Seashore Park.

I think Senator Saltonstall and you and Congressman Keith are to be congratulated on this fine cooperative effort that you have indicated.

There is one thing, here, that puzzles me just a bit. You say that when you appeared before the House committee earlier this week, your disagreement was limited to two points, No. 1, the duration of

the advisory committee, and No. 2, the question of the boundaries.

From that appearance earlier this week, before the House committee and today, have you resolved these two apparently rather minor differences in the bill as before this committee, or is this still a matter of contention?

This has not been resolved as yet?

Senator SMITH. That is right.

Senator BIBLE. Do you think it can be resolved among yourselves, or are you asking the committee to do it?

Senator SMITH. I think we should leave it to the committee's good judgment.

Senator BIBLE. I imagine as we get into the testimony of some of the Park Service people, we will know exactly how much difference there is between the views as to, No. 1, the duration of the advisory committee, and the matter of the boundaries.

Senator SMITH. Let me add this, Mr. Chairman, that Senator Saltonstall—I am sure I speak for him—and myself feel the way our bill is written is certainly the ideal way for this park.

Senator BIBLE. You think the Senate bill is preferable to the House bill in these two regards. I understand.

Thank you.

Senator Allott?

Senator ALLOTT. I have no questions.

I have been interested in this particular seashore park for a long time, and I am sure the chairman intends to have these hearings and conclude them with all proper expediency. It would be my hope that we could see action upon this bill during this session.

Senator SMITH. I am sure that any of you who are familiar with this area of the country realize what a tremendous opportunity it is to have one of the finest parks in the entire country.

Senator BIBLE. Thank you.

I think the very fact that this bill was introduced on February 9, and we had the Interior report on March 7, and we are having the hearing today, on March 9, shows we are moving along quickly in attempting to resolve this problem for you.

Senator SMITH. That is certainly true.

Senator GRUENING. I would like to ask of Senator Saltonstall. As one of the original sponsors of this legislation in earlier Congresses, did you ever consider the inclusion of Monomoy Island in the park? Because it is a very beautiful unspoiled piece of seashore. I have been on it. It is really a wonderful place.

Senator SALTONSTALL. It is my understanding that Monomoy is now a bird sanctuary and wildlife preservation area, Senator Gruening, and from the viewpoint of the park, it would not be particularly helpful to have it changed from its present status. Technically, it will be included within the park, but its use remains the same.

The issue will come up to you very forcefully on whether to include Morris and Stage Islands as a natural sanctuary related to the Monomoy wildlife preservation, which is the way that Senator Smith and I have drafted the present bill which is before you. Now, whether they should be included as a part of the park, or left out, or included as a part of the sanctuary, is one of the present disagreements, you might say, or controversial points down there. I do not think, I have not



heard any strong arguments—and I will allow my colleague to speak for himself—that Monomoy Island should be changed from its present status.

Senator GRUENING. I merely would like to get your opinion and that of Senator Smith, because I think that the opinions of the elected representatives of the people of a State are entitled to great consideration. I wondered whether you had an opinion as to whether Monomoy Island should or should not be included.

Senator SALTONSTALL. My own personal opinion, and I speak only for myself here, is that it should be left as it now is under our bill; to be included in the park as a wildlife sanctuary with very limited public uses.

Senator SMITH. That is my feeling on the matter, also, as Senator Saltonstall has mentioned. It is a bird sanctuary, now, and it is separated from the rest of the park by water. It is an island on its own, and I think it is adequately taken care of the way it is set up now.

Senator GRUENING. Do you interpret that to mean that people will not be allowed to land on it and walk over it?

Senator SMITH. No; I think it is permissible for people to go ashore there, although I am not sure.

Senator GRUENING. Thank you very much.

Senator BIBLE. Senator Moss?

Senator Moss. I have no questions.

I appreciate the testimony of Senator Smith. I am very interested in this park.

Senator BIBLE. Senator Long?

Senator LONG. There is a small area held by the military. Is that for recreation purposes, or is it a military installation?

Senator SMITH. I think it was originally a military installation, but it has not been used for several years. That is my understanding of it.

Senator FONG. Will anyone be able to give us statistics on how big this area will be, and how much is owned by the Government?

Senator BIBLE. Yes. Later we will call on Conrad Wirth, the Director of the National Park Service, for detailed testimony. He will be able to explain the map and give us all the detail on that.

Are there any further questions?

Thank you very much, gentlemen. We certainly appreciate your presence here today. We know of your interest in it, and we are going to do our best to see that this moves along as quickly as possible.

Senator SALTONSTALL. Mr. Chairman, I will just say this. I can speak for my Democratic colleague that we both appreciate very much the early hearing that this committee has given, and we hope that it gives promise of early action.

Senator BIBLE. Thank you, Senator Saltonstall and Senator Smith. The next witness is Congressman Hastings Keith.

Congressman Keith?

Senator ALLOTT. Mr. Chairman, if I may interrupt for just a word, I find myself in one of those situations in which we all find ourselves. I have a meeting of the Appropriations Committee on the supplemental appropriation, which I will have to attend. I do not know how long it will require. But I will either return here or have an opportunity to examine the testimony of the witnesses.



It is the chairman's plan to go into the afternoon?

Senator BIBLE. Yes, it is. If we do not conclude by noon today, we will recess until 2, reconvene at 2, and attempt at least to dispose of the hearing today. If we are unable to do it today, we will go into it tomorrow morning at 10 o'clock.

I do appreciate the situation you find yourself in. It is one that we all have, conflict of committees. I should be at that session myself.

Mr. Congressman, you may proceed.

#### STATEMENT OF HON. HASTINGS KEITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Representative KEITH. I am Hastings Keith of the Ninth Congressional District of Massachusetts, of which Cape Cod is a part.

Senator Allott, I do have one observation in reference to the question that you raised that might be helpful to you in your approach to this and other problems of an allied nature.

You asked an earlier witness if the State had any legislation which would permit the county or the State to impose zoning in local areas for the preservation of scenic beauties.

Senator ALLOTT. Yes. This question was directed specifically to Michigan, but I would be interested in anything you had on that.

Representative KEITH. There is a recent article written in an urban renewal publication which is available here in the city of Washington which talks at great length about the need for scenic and conservation easements. It is possible that if we should reach an impasse with reference to some of the areas which are under dispute here, the Federal Government might resolve the problem by acquiring scenic easements in the areas in question thereby restricting the kind of development to that which would be conducive to the park purpose.

Senator ALLOTT. I am well acquainted with this development, particularly of the last few years, in scenic easements. The thought that I was trying to get at, at that point, and which I think would be of importance to the committee, not just on the specific item which the gentleman from Michigan was testifying about, or upon this particular item, is to try and determine whether or not the States are really taking advantage of what I am sure is an inherent power in most of their constitutions to take care of some of these situations and hold them against future depredations, by proper local zoning.

The easement is ordinarily a more expensive proposition later, because then you will have to come in and either bargain for it or in some instances condemn it. And I was thinking in terms of long-term planning, of what could be accomplished by alerting the local government to the fact that they might protect themselves and their very valuable assets by proper zoning.

Representative KEITH. One of the reasons that has been advanced for urgent action on this bill—and we are all in favor of urgent action, quick action, but the reason that is advanced is not as valid as might appear in the press: With one exception, all of the areas that are sought for acquisition by the Federal Government on the seashore are currently zoned for residential purposes. There could not be a honky-tonk within the site of the proposed national seashore, with

the exception of one area, where there is a limited commercial use currently permitted.

Senator ALLOTT. That is an interesting observation with respect to this particular bill. I was really thinking in a broader aspect than an application to the Cape Cod bill.

Representative KEITH. I know that you were.

Senator ALLOTT. I appreciate the Congressman's remarks, and I will read them with very great interest.

Representative KEITH. The front page of one of the metropolitan newspapers the other day quoted the Secretary as urging action on this bill to avoid honky-tonks on the cape. Well, there are no honky-tonks that would be within this proposed park.

Senator ALLOTT. In this instance the zoning has taken care of the situation?

Representative KEITH. That is correct. They have done a good job in that respect, partially under the urgency of the situation, I might add, in fairness to this committee and those of us who are concerned with this bill.

Senator BIBLE. Thank you. You may proceed now with your statement.

Representative KEITH. I am deeply grateful to Senator Allott for permitting this exchange of views prior to his departure for his committee meeting.

As you know, I cosponsored the original Saltonstall-Kennedy bill. I appreciate very much this opportunity to reappear before this subcommittee.

Since you last held hearings on this legislation, we have come a long way in improving and perfecting it. I have introduced several amendments on the House side which Senators Saltonstall and Smith, as I understand it, will support.

The most important of these amendments makes more clear the intent of Congress to conserve and preserve the area. There has been some criticism of our bill to the effect that it gives equal emphasis to conservation and recreation, which are said to be diametrically opposed concepts. The amendment which I have offered revises the uses for which the Secretary may develop the seashore making our intention to conserve more emphatic.

Another amendment increases the size of the advisory commission to 10, so that Barnstable County may have representation, and gives the commission the authority to advise the Secretary on establishment of public use areas for recreation.

A final technical amendment gives the Secretary the authority to condemn in order to clear title to encumbered land.

With the exception of these amendments and the boundary revisions which the towns have requested, I have recommended to the House committee the adoption of the language of S. 857. I have been working closely with Senator Saltonstall and Senator Benjamin Smith on this measure. Our areas of disagreement are limited to the boundary revisions of the towns and the life of the advisory commission. I would like to say just a few words about each of these.



I feel very strongly that the advisory commission should serve as long as there are problems which require a broad approach. The Senators have provided that the commission's functions revert to the selectmen after a limited number of years.

The major purposes of the advisory commission are to serve as consultants on policy matters and to advise on commercial and industrial development, within the park. These functions are too comprehensive, in my opinion, to revert to each of the separate towns, and could be injurious to the atmosphere of harmony between the towns and the Federal Government.

With regard to the boundary revisions requested by the towns, just let me say that I support these requests. These areas would, if returned to the towns, aid them in their rightful objective of having a balanced economy. The exclusion of the areas from the park will diminish the capital outlay necessary to acquire the balance of the area, and will diminish the amount of money necessary for payments in lieu of taxes.

Because most of the areas already have been extensively developed, the argument that exclusion of the enclaves would disturb the compact character of the park is not, in my opinion, valid. They will not take from the seashore any single feature which is unique.

If the Senate committee will support the towns in their requests the result, I believe, would be a better park, because the setting would be improved. I know your membership will listen sympathetically to these requests.

The residents of the lower cape have been very patient as the Congress has deliberated their fate. I hope that the issue can be resolved sympathetically, logically, and promptly.

Thank you very much.

Senator BIBLE. I appreciate that statement, Congressman Keith.

What is the land difference in the two boundary philosophies that the Senators take as compared with the philosophy that you take?

Representative KEITH. I can best illustrate that by referring to the map.

Senator BIBLE. I would be glad if you would; because that seems to be the only unresolved difference, or the major one.

Representative KEITH. This looks, according to the opponents of my proposal, sort of like a patchwork. But the cape is a patchwork to begin with. The character comes from the little villages. And what I have attempted to do in these amendments is support the rounding out of these little villages.

This was contemplated in our original bill by providing that 10 percent of the land could revert to the original towns.

What we have shown here represents a little bit more than 10 percent of the total area.

This is Provincetown, Truro, Wellfleet, Eastham, Orleans, going down to here, and Chatham. The Senators have approved the inclusion in the town of Provincetown of an area which is shown in a dotted line, here, representing about 330 acres that they would add to Provincetown.

Senator BIBLE. This they would add, that your bill does not include. Is that correct?



Representative KEITH. My bill is the original Saltonstall-Kennedy proposal, and we treat these additions to the towns as amendments. So as to give us a common boundary in our approach to this problem, the boundaries were left the same. They have acceded to the towns' request for some land return.

The town of Provincetown will make their case for the additional land which they want. At any rate, I recommended a larger area than they did with reference to Provincetown.

These three proposals here are in the town of Truro. It takes about two-thirds of the town of Truro in our bill. This would allow some three or four hundred acres to be returned.

Under the terms of our bill, there is a very unique feature, in that the individual homeowner is allowed to keep his home, and 3 acres, at least, along with that home. Therefore, within this area, for example here, there are already 70 homes which are excluded from the taking by the terms of both the Saltonstall bill and the Keith bill.

So the area that we are recommending that is shown here as a unit—actually, there are islands within this unit that are eliminated from the Saltonstall-Smith bill. This simply rounds it out and leaves it under the town control for future development, and they have proper zoning in each of these areas, with the exception of this one, where there is limited commercial use.

Approximately 400 additional acres in these three plots would be available for residences, when you take into consideration the fact that there is already considerable acreage approved under the Saltonstall-Kennedy bill. It rounds them out.

Senator BIBLE. Under your version of the bill?

Representative KEITH. Yes.

Senator BIBLE. As differentiated from the Saltonstall-Smith bill?

Representative KEITH. Both of us agree that those people now living in the park can continue to live there, and that the park will not have any control over them. They continue to pay taxes to the town. They go on living there. There are about a thousand homes in this entire area. And those people currently will be allowed to stay there.

We suggest, in my bill, that where there is a unit involved, it be allowed to develop as a unit; a village as a village. The Senate bill would stop growth within that village.

The planners will argue that you need to have an uninterrupted strip. It is already interrupted. This is what gives the character to the countryside. The further development will maintain the view so that the people who come along can enjoy it. And the houses under the zoning regulations would be those that would not detract from the park's value.

What the Senators have agreed to as far as the town is concerned is known as the Ryders Beach area. They say that you can have that back in our bill. They approve this request of the towns. I personally think the towns would rather have these three areas than this one.

In the town of Wellfleet, the Senators have acceded to the town's request in this area shown here.

These are very wonderful areas, lovely homes, 5 acres per home, on the average. They contribute substantially to the economic value of the towns and give them a balanced economy which encourages the kind of community that we want surrounding the park, so that

it can provide the public services that the towns need in order to have them develop in an orderly fashion.

These are two pond areas, which would provide, in the seashore, some fresh water recreational opportunities in addition to the salt water.

The argument advanced over here is that this gives a bayside sampling of the cape, as well as the ocean sampling, which you can see out here.

This area in here is in the town of Eastham. This particular area is one where I have a certain responsibility to speak up. It was not contained in the original park proposal. At the request of the Senators, in order to keep the boundary uniform, I included it in the bill which I filed on the House side, solely because the 10-percent provision would have allowed the towns to have this back for homebuilding.

The 10-percent provision has been struck. The Saltonstall-Smith bill authorizes the return of these larger areas. They are scrub pine. They are on a plateau. They do not have any real scenic value.

This area, in here, which was not considered in the original park proposal, is screened from the traveler as he goes down this road by limited commercial use along Route 6. So it could not be enjoyed at the moment by anybody going down to the national seashore, as far as the view is concerned. There is no place that you go to, through this part of the park. It is about 160 acres the towns would like to get back.

Senator BIBLE. What was the number of acres, again?

Representative KEITH. About 160 acres of very fine residential property, the best property left in the town. And I believe the town should have it, because it is not unique to the park. There are other areas just as lovely. It is not seen from the road. It just improves the view for the people who live over here. And I maintain that the people who develop this property, buying lots, will put in lovely homes.

Senator BIBLE. You are suggesting that this 160 acres be excluded from the boundaries of the bill?

Representative KEITH. I am.

Senator BIBLE. I understand.

Representative KEITH. Then we come down here to Morris and Stage Islands, known as Morris Island. This was an island that I, too, agreed should be in the park, on the theory that 10 percent would revert to the town.

I announced before I filed the bill that I was opposed to the inclusion of Morris Island in the national seashore. And yet I wanted to make my boundaries similar to what was filed on the Senate side.

The case for Morris Island will be put very ably by a representative for the town. Suffice it to say that at a recent town meeting they voted 477 to 13 for the exclusion of this island from the national seashore.

This is the wonderful town of Chatham. This represents a very significant portion of the available land for further development. It will cost about \$1 million to acquire.

And the town—we have got to live with these towns later on—the town owns and is willing to donate this beach. But the motion before the town indicated that they would like to give this in exchange for the right to continue this.



Senator BIBLE. That area is included in your bill but excluded from the Senators' bill?

Representative KEITH. Whenever I have filed my bill or referred to it, the bill includes this. But I filed a statement to the effect that it was included in order to keep a similarity in approach between the two committees.

Senator BIBLE. But it is your own view that that should be excluded?

Representative KEITH. It is my own view that it should be excluded.

I have, of course, not as great an interest in some of the other areas as I have in these two, but I certainly support the overall objectives of the town for additional growing space. It is most important that the economy of the cape be preserved. None of these towns have any indebtedness to speak of. Their tax rates are very low. They provide good schools, good police and fire protection. And the visitor-days, as you will find out, are just magnified substantially by the drawing of this national park to the cape. They are coming there in increasing numbers.

I did not mean to take so much time belaboring that particular point, but I wanted you to see the entire picture.

Senator BIBLE. This seems to be the one area of difference between your bill and the bill of Senators Saltonstall and Smith.

I appreciate the statement you have given us.

I have no further questions.

Senator Gruening?

Senator GRUENING. Representative Keith, does your bill meet some of the objections made against the Senators' bill? That is, it is a little more generous to the people who are living there? Will it take care of some of their objections?

Representative KEITH. The essential difference in my bill and in their bill is in this 10 percent feature which was contained in the original Saltonstall-Kennedy bill. They have stricken that from their bill. They have tried to indicate the boundaries before the enactment of the law to avoid dual administration. My bill still provides for the 10 percent escape clause provision.

I agree that the boundary revisions should be made prior to the enactment of the law. Therefore it is in the accompanying statement where we differ.

They go along only with the boundary limitations which are shown by the dotted line. I go along, generally speaking, with more boundary revisions in favor of the towns. There are some which I can speak more strongly for than others. But the point I want to make is that these towns need to have some further first-class residential development to assure a balanced economy.

Senator GRUENING. One more question. The Harding Beach is included in your bill?

Representative KEITH. Harding Beach is included in neither bill at the moment. Harding Beach is this area, here. And I think it is indicative a little bit of the nature of the earlier planning that was done. To include down here a remote beach from the center of the seashore up here was not in my opinion good planning. Nor was the original plan, which showed tenting on Morris Island, good planning.



This is a very congested summer community. There is very limited access to it. It is a very expensive piece of real estate. Anyhow, Harding's Beach is here. It is included in neither plan.

There is a wonderful area up in here, which the town of Wellfleet is willing should go to the national park, that has places for campsites, and the beaches that are required in order to accommodate the people who will come down there.

Senator GRUENING. Thank you very much.

The CHAIRMAN. I just want to say with reference to Morris Island, for example: If the two Senators take one point of view, and the congressional delegation takes another, if you cannot resolve, why do you think this committee should?

Representative KEITH. Well, I have tried hard.

The CHAIRMAN. But the worst arguments people get into, you know, are the arguments between brothers.

Representative KEITH. I appreciate that, and I hope that my brothers on the House side will agree with me.

You perhaps, many of you, have been in the House. I am closer to these people and their problems. I feel that it would be in the national interest to have this particular area help the town of Chatham, because its role in the national seashore as a whole is very minute, and this would emphasize that role unnecessarily.

I suppose \$1 million means more to me, perhaps, on the House side. We are a little bit more conservative than on the Senate side.

The CHAIRMAN. I do not know. I simply point out to you that this frequently happens, and when it happens, it generally means the death of the bill.

Representative KEITH. Oh. I am glad you raised that point.

I have been occasionally accused of being an obstructionist, because I have devoted myself to the interests of the people on the cape. And that has been considered to have delayed the progress of the bill. I think that everybody in the area wants this thing resolved, and has felt so for the last year. I am not trying to kill the bill. It was an honest difference of opinion.

The CHAIRMAN. Well, is it split squarely between the Senate and the House, or are there Members of the House that do not share your view? I understand not all of the House Members are in accordance with your view on it.

Representative KEITH. That is correct. There are one or two Members of the House delegation who have not agreed with me on this. But the one who has been most outspoken in favor of the Senate bill has not consulted with me about my version.

The CHAIRMAN. You do not see any hope of reaching an agreement, then, between the congressional delegation, including Senators and House Members. It would have to be put back to committees, then, in your opinion?

Representative KEITH. I do not believe that I see any hope of resolving it unless as a result of your attendance here this morning and the Senators' review of the evidence they have a change of mind about this. They have said that they feel that you should listen to the boundary recommendations that are made by the towns; that they can present a good case for themselves. And I think that they would abide by your decision. They have had their say. The towns are

going to have theirs. The committee will work its will. I hope that the committee will decide with the towns in some of these areas.

Certainly, Senator, the visit of the towns here is not simply to go through the motions of listening to their testimony.

The CHAIRMAN. I do not think that is a fair analysis of it. It is not just to go through the motions. But it is a little difficult.

Representative KEITH. I know. It is a very difficult problem.

The CHAIRMAN. That the Senate could pass its bill—I am not trying to predict what the Senate will do, but the trend might be to say that since this was a bipartisan recommendation from both the Senators, the Senate might side with its own. If the House did the opposite, and sided with your point of view, for example, then when you go to conference, where are you?

Representative KEITH. I would think there would be a little give on both sides. There usually is.

The CHAIRMAN. I was on one bill in which we stayed in conference for 130 or 140 days, and there was not too much give. I was just wondering if there could be a possibility of this problem being resolved by your group meeting again and recognizing that it would help if we could have a unified front on this.

This is not, as you recognize, the first time that a Cape Cod bill has been before the Congress. And it may not be the last time.

Representative KEITH. This is the first time there have been more than one or two committee members in attendance.

The CHAIRMAN. I can explain that. We are all busy. When we found people divided sharply, we knew there was no chance of a bill passing, so we sort of passed it off.

Well, I am sorry.

Representative KEITH. I wish I could resolve it.

Senator BIBLE. I think the exchange has been very helpful, and I hope that out of this committee we can come up with something that will result in the enactment of statutory law. We will certainly do our best.

We plan to hear everyone and get the various viewpoints. I do not know whether this is an irreconcilable difference, in the boundaries, or not. And of course I do recognize, Congressman, that you are probably a little closer to it than anybody else, because as I understand it, this is your district.

Representative KEITH. Yes, it is.

Senator BIBLE. We all come from places where certain matters are very vital and we understand what this means.

Senator Hickey?

Senator HICKEY. Congressman Keith, I am interested in section 7, which is the taxing provision of the act. I think the section in itself is the uniform type section used in areas acquired by the park. What has the position of the towns been with regard to this in looking into the future, after December 31 of the 25th year?

Representative KEITH. I did not hear your last clause.

Senator HICKEY. Looking into the future, after December 31 of the 25th year, which is after the in-lieu taxes have been eliminated, what, then, will be the towns' position?

Representative KEITH. I think the Park Service feels, and I believe the towns would agree, that by that time the commercial and other development outside of the seashore would furnish adequate revenue.

Senator HICKEY. Is that based upon the conclusion that the ad valorem, which I presume now sustains the township, would be less important after 25 years than it is now, and that the commercial enterprises, in the way of sales taxes and the like, would sustain the tax base?

Representative KEITH. Yes. We do not have a sales tax as such in Massachusetts. We believe that the increase in real estate taxes on the property outside would, after 25 years, completely eliminate the need for payments in lieu of taxes within the proposed park area.

Senator HICKEY. I am interested in the thinking, because we have Teton National Park in our State, which was acquired in similar fashion, with a similar type of tax legislation. It caused some difficulties which remain for the people in the towns outside the area as to how that problem can be taken care of.

Senator BIBLE. Thank you very much, Congressman.

Representative KEITH. May I say in conclusion that I do not want to indicate that the Senators and I have not worked closely together on this bill. They have certainly given the matter a great deal of study. But they have not, naturally, had quite as close contact with the problem as I have. And I think that they have done an outstanding job in preserving, in the overall features of this legislation, the rights of the people within the park and of the towns themselves.

But I do feel that in this one area of disagreement my point of view reflects the best interests of the towns and, incidentally, of the national interest, too; because of the need to keep this jewel in a fine setting. And the economy of the towns must prosper in order that they can service the park and the large numbers of people that will come there.

Senator BIBLE. Thank you very much, Mr. Congressman.

Senator BIBLE. I noticed during the course of your testimony that the Secretary of Interior came in. I am very pleased at this time to recognize the Secretary of Interior, Stewart Udall.

Mr. Secretary, we are delighted to have you with us.

#### STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE INTERIOR

Secretary UDALL. Thank you very much, Mr. Chairman.

I have a prepared statement, but I will say for the sake of brevity and in the interests of the committee that I will try to strike at the jugular, here, and hit at a few of the important things that we see in this legislation.

My presence here this morning, Mr. Chairman, indicates the deep interest of the Department, the administration, and the President in this legislation. We are interested in it primarily not because it is a bill that the President sponsored—we naturally are always supporting the things that he supports; we are his lieutenants—but we think, and he thinks, that this bill is a pioneering piece of legislation; that it is a symbol, in a sense, now, because it contains in it a unique opportunity to do something conservationwise. And we think that



as an opening wedge, if we can pass this legislation, it will open the door to other similar legislation in other parts of the country.

I noticed in testimony presented to this committee yesterday the Governor of Connecticut made the statement—and I think there is great merit to it—that people in his part of the country were impatient with having all of the money spent on parks and recreation in other parts of the country.

Well, it just happens that many of the great scenic places are located west of the Mississippi. But it does seem to us that too little has been done in the East. We would like to make our Department—we know the Congress would—a truly national department. We want a national recreation program. We are working now on an idea which, if it comes to fruition, will be a truly national program.

And I was most interested in sitting through the colloquy that occurred a moment ago and the comments of the chairman of the full committee. I think what we face in the future legislation, as always, is local pressures, local interests; that naturally a good Congressman, a good Senator, is going to champion these interests. But we need also, as part of this equation, some attitudes in Congress, represented by Congressmen and Senators, that take what I would call the Teddy Roosevelt point of view, of saying, "Well, I am interested in what is good for the Nation." And I think out of this type of contention of what is good for the country and what is good for the local interests will come the necessary compromises that produce legislation.

Now, the report we have filed, and the position we take this morning, is that of supporting with very minor reservations the Senate bill. We are cognizant of the arguments that are present for further compromise. But this legislation has been in the mill for the last 2 or 3 years. What you have before you today in the bipartisan bill of Senator Saltonstall and Senator Smith is the product of a whole process of compromise and adjustment.

For example, the 10-percent provision, that is not in the Senate bill—we are opposed to that provision, because we have already compromised about 8 percent already from some of the earlier legislation. And we want this to be a national seashore, of truly national significance.

We regard the Senate bill as a minimal bill and not a maximal bill. It represents the product of compromise and adjustment. And we would like to urge the members of this committee to take the position of favoring legislation which serves the national purpose and which would result in a truly national area.

Of course, the other great opportunity that is presented by this legislation, and the reason for urgency in the handling of this legislation—and we compliment the committee for making this practically its first order of business—is our feeling that we are in a race against time, against commercial development, and the price of these lands is going up and up.

This is probably, in the State of Massachusetts, for example, one of the last opportunities we will have to set aside a national area, of national significance. And nothing would please the administration more, and nothing, I think, would serve the country's interests more, than for us to begin now in the East, while there is still time, to set

aside areas of national significance, as protected under the high standards of the national park system.

So these are the reasons that we feel that this legislation is important and is symbolic, and we hope the committee will act quickly on it.

And I will let that be my oral summary, Mr. Chairman.

Senator BIBLE. Thank you very much, Mr. Secretary.

I think that was very ably stated. Your formal statement will be made a part of the record in full.

(The prepared statement of Hon. Stewart L. Udall, Secretary of the Interior, follows:)

STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE INTERIOR

Mr. Chairman and members of the committee, I consider it an honor to appear in behalf of a park program which the President holds as one of the foremost conservation opportunities awaiting appropriate public and legislative action. You are all aware of his support, in collaboration with Senator Saltonstall and Representative Keith, during the last session of the Congress, of legislation to authorize the establishment of the proposed Cape Cod National Seashore. Now these legislators have been joined in their sponsorship by the President's able successor in the Senate, Senator Smith.

I know that I am appearing before a committee which already has extensive information concerning the proposed Cape Cod National Seashore and I shall not, therefore, take up the committee's time with repetition of detailed data which it already has.

I do, however, urge, as strongly as I can, early action by the Congress in authorizing the acquisition and conservation of suitable areas of seashore, as identified in the recent seashore surveys by the National Park Service of the Department of the Interior. Let there be no doubt about it, we are in a race between those who would develop the last, best segments of the seashore for industrial and other commercial purposes and those who would preserve these limited areas for the health, inspiration and enjoyment of the people of the United States for all time. Every day's delay in the enactment of an adequate seashore conservation program results in diminishing the opportunity for such a program and in increasing the cost of land acquisition. Although the time for such action may be long overdue, it is clearly our responsibility now.

During recent years, the National Park Service, with donated funds, conducted surveys of the Atlantic and gulf coasts, the Pacific coast, and the Great Lakes shoreline, which identified 194 areas as the best remaining segments of this highly significant and limited natural resource, which means so much to all the people of the United States. Ten of the one hundred ninety-four identified areas were found to be of such scope and quality that they were judged to be of national significance, suitable for establishment as national seashores. The 184 other areas are considered to be of State and regional significance for park and related conservation purposes.

In the first of these surveys, we found that almost every attractive seashore area on our Atlantic and gulf coasts has been preempted for commercial or private development. Only a fraction of our long seacoast is left for public use, and much of this small portion is rapidly disappearing before our eyes.

This finding is especially descriptive of what is happening on Cape Cod. In meeting here to weigh the merits of authorizing a Cape Cod National Seashore, you are considering perhaps the last opportunity this Nation will have to save a seashore of national significance north of Cape Hatteras.

This proposed national seashore combines a unique combination of qualities and characteristics for which it is widely known. It extends the length of the lower cape, including Monomoy Island. It includes the Great Beach, the bold sandy shore facing the Atlantic. In Provincetown and Truro are 8 square miles of some of the most spectacular sand dunes along the Atlantic coast. In Provincetown the dune zone is backed by an area of woods, ponds, and marshes noted as a bird habitat and providing an important entrance zone into this section of the proposed seashore.

In addition to Truro's dunes and heathlands, and the spectacular bluffs such as those near the Cape Cod Lighthouse, the river valleys of the Pamet and Little Pamet are also highly scenic and charming areas. They have not only natural



history interest; they comprise a historic district with a number of early Cape Cod homes.

In Truro and Wellfleet, the proposed boundary would extend across the cape to embrace a section of the Cape Cod Bay shore. This portion of the park would include not only the Herring River estuary and related marshlands but scenic and historic uplands, too. Bound Brook Island, once the site of old Wellfleet village, has five houses of historic interest. From the highland of Griffin Island, perhaps the geographical key to this whole section of the park, one can get magnificent views of scenic upland and marsh typical of the cape.

The glacial kettle hole ponds of Truro and Wellfleet are principal natural features of the entire proposal. These secluded and scenic ponds are of four general types, scientists tell us, resulting from drainage factors and relative exposure to wind, and each type displays a distinct association of plant and animal life.

The portion of the proposed seashore at Eastham includes pleasant woodlands and marshes that provide exceptional wildlife habitat. The lands in Eastham surrounding Salt Pond Bay are especially important for the preservation of its scenic quality. They are of importance, also, in interpreting the geology of the cape, since many significant glacial deposits exist within the proposed boundaries here.

South of Eastham the proposed national seashore is restricted to the barrier beach and related islands which have outstanding natural values. Our study reports indicate that Pochet, Samson, and Hog Islands are the only examples of the Sandwich Moraine, the last major ice age deposit on the cape, existing within the proposed boundary.

Morris Island in Chatham is a superb natural area, which not only contains a rare white cedar bog and a stand of beach forest, but also has been called one of the most important bird resting and feeding grounds, acre for acre, in New England—and one of the two or three most important such habitats on the entire Atlantic seaboard. These are some of the features that, together, give significance to the proposed Cape Cod National Seashore. I have mentioned them briefly to give perspective to what I want to say now about the proposed boundaries.

I am sure that there has been as much discussion of the proposed boundaries as of any other feature of the seashore project. This is natural and understandable.

In arriving at the best possible park boundaries for this or any other park, there is no exact science. The boundaries are neither absolutely right nor wrong. The task of setting boundaries involves, first, the identification of the park values—the areas, objects, and qualities of exceptional interest—that are to be preserved and, second, the designation of sufficient land to make it possible to preserve those values and provide for their appropriate use and enjoyment by the public. This means that there must be sufficient room for people to move around within the park area in safety and comfort, by means and routes designed to reveal, present, and interpret its unique qualities, without overcrowding and without impairment of those qualities they come to see and enjoy.

In a relatively small area such as the lower cape, with its several villages, scattered houses, and other developments, it has been extremely difficult to recommend the minimum area necessary to attain the conservation and public-use objectives. No one can say that a given acreage is the maximum or the minimum within which these objectives may be accomplished. I am convinced, however, from the careful studies of this project, that the boundary recommended in S. 857 and by the Department of the Interior, as shown on the large map before you, encompasses only the land needed to achieve the conservation objectives, and that further reductions of it would further impair the park's potential benefits.

In this regard, I call to the committee's attention a statement in the economic study of the proposed Cape Cod National Seashore made by Economic Development Associates, Inc., of Boston, as follows:

"Since the park is being established in order to preserve the cape's beautiful scenery, its interesting geology, its wealth of plant and animal life, and its colorful history, and since such preservation is in the long-range interest of the cape and the lower cape towns directly affected, it is felt that in establishing bounds of the park no compromises should be made that would conflict with its initial purpose or ultimate objectives. To do so would not best serve either the interests of the park or of the towns involved."



S. 857 and related bills to authorize establishment of the Cape Cod National Seashore, like the planning studies preceding them, have charted new ground in national park conservation. While the bill specifically states the conservation and public-use objectives of the proposed national seashore, it also contains a number of special provisions to safeguard the interests of the people and communities of the six towns of the lower cape.

I call to the committee's attention some of these major provisions to safeguard the local and individual interests that might be affected by the proposed national seashore.

1. The boundaries, as I have pointed out, have been tightly drawn from the park conservation point of view, to permit continued community expansion and growth. About seven-eighths of the area of the cape would remain outside of the proposed national seashore.

2. The State and town lands within the proposed seashore could be acquired for park purposes only with the concurrence of the owners.

3. If owners of improved property within the proposed area wish to do so, they may sell their property to the Government and retain either a 25-year or lifetime interest for residential purposes.

4. The bill would suspend the power of eminent domain as a means of acquiring improved residential property within the proposed park for 1 year after enactment, and thereafter as long as such property should be covered by town zoning consistent with the purposes of the park and approved by the Secretary of the Interior.

5. The power of eminent domain would be suspended as a means of acquiring commercial property within the proposed park pending decision on an application for permit for such property.

6. The Secretary of the Interior would be required as soon as possible after enactment of the bill to issue regulations to govern zoning standards for consideration by the towns. The bill would require that such standards be consistent with the purposes of the national seashore.

7. It would authorize the continuation of hunting and fishing and the taking of shellfish within the proposed national seashore, in areas to be agreed upon by the Secretary and the State fish and game commission.

8. It would authorize the establishment of a Cape Cod National Seashore Advisory Commission to advise the Secretary on all important matters affecting the proposed national seashore.

These are unusual provisions in national park legislation and should make possible the establishment of the national seashore and acquisition of land for its public purposes, with minimum disruption of community life. Frankly, this combination of safeguards for local interests will unquestionably confront the officials, who must work out the national seashore project subject to them, with many difficult problems. I am confident, however, that the national interests of the project can be achieved, subject to these special safeguards for local benefit, if sufficient funds for land acquisition and the other park needs are provided promptly, and the National Park Service has the full support and cooperation of the six towns.

In this pioneering legislation, a fine balance has been struck between the public purposes and the private interests concerned. If that balance can be maintained, and I have sought assiduously to help maintain it both in my report on the bill and in my statement before you here today, I believe that both the conservation objectives and the community growth objectives can be achieved harmoniously.

The national park idea, as you know, originated in America. The national park system today is one of the highest cultural achievements in our national life. Its great benefits, enjoyed by scores of millions of people every year, have been made possible largely through the availability of public lands and the generosity and public-spirited contributions of individuals, organizations, communities, and States. Practically all of the land for the national parks in Texas and east of the Mississippi River have been acquired through such donations.

Because of the urgency of the situation, we can no longer wait for donations alone to provide the land needed for park projects such as the proposed Cape Cod National Seashore. We are in a race with commercial development, as I said earlier this morning, which will consume and destroy the public potentialities of even the last remaining 9 or 10 seashore areas of national significance, unless we act quickly to acquire and preserve these few choice remnants. I urge

this committee to take all action necessary to preserve this relatively small segment of Cape Cod, still retaining most of its traditional charm and character, before the opportunity is lost.

Senator BIBLE. If I understand you correctly—and I have already made your official report on this bill a part of the record—as I commented earlier before you came into the room, this bill was received by us on February 9. We received your official report on March 7. And we are having a hearing on it on March 9; which I think shows that we are marching along with proper speed.

I am interested in the Department's position on the Senate bill versus the House bill. If I understand your testimony correctly, you feel that the boundaries that are set forth in the Senate bill are the minimal boundaries. You said "minimal," I believe.

Secretary UDALL. The boundaries that we recommend, in essence. The bill favored in the report is the Senate bill with very minor changes. And there has been a constant process—indeed, up until a few days ago, working with the Senators and the Congressmen from this State, there has been a constant put-and-take process of taking this out and putting other areas in.

This process of compromise, which we favor, has gone on over a long period of time, and we have whittled the area down, I might say. We do believe—and this is the reason we take our position—that the Senate bill should be enacted. We would not say, because we make this as a recommendation, that this committee in its wisdom might not want to do a little putting and taking of its own.

But we do feel in terms of total area, in terms of the significance of the various areas included in this wonderful place of scenic beauty, that if there is much more whittling, we will not have a truly national area left. And this is the reason we take our stand on the boundaries of the Senate bill.

Senator BIBLE. Well, when you were appearing on behalf of the House bill, was it indicated that the boundaries should be enlarged, so as to be larger than the amount included in the House bill?

Secretary UDALL. Yes, Mr. Chairman. I testified Monday, I believe it was, on the House side on the House bill, and I took the view at that time that we were for the boundary provisions of the Senate bill.

Senator BIBLE. Thank you, Mr. Secretary.

Senator Anderson?

The CHAIRMAN. I only want to say to you, Mr. Secretary, that I was glad to hear you say what you said about trying to get this matter resolved. My questions a moment ago were not based on a desire to prove the Senate right and the House wrong, or otherwise. Like you, I served in the House, and about the same time you did, and for the same period of time that you did. And I have very strong feeling of friendship for a great many people over there.

I hate to be put in a position of taking a choice between them. I would hope that we would be able to resolve the problem, but if we cannot, we will just have to, on this committee, report out a bill and do the best that we can with it. I was only hoping that the proponents of the bill would get together, because it does make it easier when the people of the State can do that.

I judge, Mr. Wirth, you do not like the term "seashore park," and you therefore want the term "park" removed from it.



**STATEMENT OF CONRAD L. WIRTH, DIRECTOR, NATIONAL PARK SERVICE, ACCOMPANIED BY BEN H. THOMPSON, CHIEF, RECREATION RESOURCE PLANNING, AND FRANK E. HARRISON, SPECIAL ASSISTANT TO THE DIRECTOR**

Mr. WIRTH. We are recommending, sir, that the word "park" be deleted, so that we have uniformity in referring to our seashores. We call them "seashores," as such.

The CHAIRMAN. You want to reserve the term "park" for a different type of area?

Mr. WIRTH. Yes, sir.

The CHAIRMAN. I do not see any objection to it.

Mr. WIRTH. The restriction, sir, for continuity and for explanation to the public: The regulations and things that we have put into this bill in managing this area are considerably different than some of the big areas that have wildlife and so forth of greater magnitude, that are in the park category, whereas we feel that here, because we are close to communities, we have to use different tools, like we did down in Cape Hatteras, in management, and consequently, for clarification, we are recommending that kind of a setup.

The CHAIRMAN. I am only trying to find out if you wanted to be sure to leave the term "park" off all seashore areas, or just off this one.

Mr. WIRTH. We would prefer to leave them off all seashore areas, sir, and refer to them as seashores.

The CHAIRMAN. What will you do when you get to the dunes of Indiana? Will you want to refer to "lakeshore," there?

Mr. WIRTH. In a lot of people's minds, that is an inland sea, and it does not necessarily have to be salt water to be a sea in the terms of the dictionary, as I understand.

The CHAIRMAN. The dunes would not be a park, then, in your opinion, but a seashore area?

Mr. WIRTH. Yes, sir.

The CHAIRMAN. What are you going to do with a place like Senator Gruening has up in Alaska, where the timber comes right down to the water, if you create a park?

Mr. WIRTH. There are a lot of areas we have, like Acadia, which is termed a park, in Maine, which is almost completely surrounded by water, or at least where we come down to the shore. I think it is a question of management, sir, rather than whether it is on the water or not.

The CHAIRMAN. I am not objecting to your decision. I merely wanted to get it into the record.

Mr. WIRTH. We have about 14 or 15 different combinations of names, now. I wish we could get it down to two or three, because everytime the question comes up, we have a hard time explaining what is meant by this kind of an area or that kind of an area. Most people do not know what a monument is. To most it is a shaft. But to us it is the setting aside of a prehistoric area.

Senator FONG. I would like to ask one question. In this proposed 30,000-acre park, how much of it is public lands now?

Mr. WIRTH. There are 12,856 acres in public ownership and 16,807 acres in private.



Senator BIBLE. Mr. Secretary, on behalf of the committee, may I extend to you our thanks for your personal visitation this morning. I think it means a great deal. I think it shows your personal interest in moving these worthwhile projects forward. And I want to compliment you particularly on the fact that you took time out of your busy day to come up here and appear personally.

Secretary UDALL. Thank you.

Senator BIBLE. Our next scheduled witness is Conrad Wirth, Director of the National Park Service.

Did you care to amplify or did you care to get into some of the detail of this, other than what was testified to by the Secretary himself, Mr. Wirth?

Mr. WIRTH. Well, we have, as you know, the Department report and the Secretary's statement, and the two Senators made very fine statements, and I think the Congressman explained the differences of opinion. And I think in the interests of the committee I have nothing to give, unless you want to ask questions of me.

Senator BIBLE. I think it would be helpful to the committee.

Congressman Keith gave us a partial explanation of this Cape Cod National Seashore Park. But would you or one of your people step to the map and indicate the extent of the Cape Cod National Seashore—we will leave "park" off—the length of it, the width of it, the acreage, et cetera?

Mr. WIRTH. I will be very glad to do so.

Senator BIBLE. And after you have finished your preliminary statement, Mr. Wirth, it would be very helpful if you would indicate the points of difference between the House version and the Senate version.

The CHAIRMAN. Particularly, if I may say, Mr. Wirth: The administration has recommended the passage of the Senate bill. The House bill takes out certain areas. Could you tell us why you think they ought to be in?

Mr. WIRTH. Yes, sir.

This map here is an attempt to bring several factors together. The heavy line that surrounds this, going all the way around, is the line that was worked out after several compromises a couple of months ago.

Since that time, other meetings have been had, and we have tried to assemble all the various suggestions that the towns' people have made as to further eliminations.

The red areas all through here are the various suggestions that the towns have made for elimination within the full line. To the best of our ability, they I think pretty well represent the various eliminations that have been suggested by the towns' people.

Senator BIBLE. May I ask a question at that point?

I see your legend says "The boundary described in the original Kennedy-Saltonstall bill of the 86th Congress." That is the blue line?

Mr. WIRTH. Yes, sir.

Senator BIBLE. Now, what is the boundary line of the bill now before us, the Saltonstall-Smith bill?

Mr. WIRTH. That is my next point, sir.

Senator BIBLE. All right. Very well. Thank you.

Mr. WIRTH. And within the present bill we have made further changes, by eliminating this part, shown by the dashed line, which the town wanted, and also this part in here.

The solid plus the dashed, here: In Provincetown, we have added this to the town and taken it out of our boundary line.

I might say as far as Provincetown is concerned, this is the town line, now. These lands are Provincetown lines. This is a State park, and this is in a purchase unit of the State at the present time, that has been held up for several years. So this is really adding not private land but public land to the town for further development. And Provincetown is pretty tight.

Then, over here at Truro, we have eliminated this land in here, and that is now out of the boundary line. So the boundary line follows the dashed line around this way.

Over here at Wellfleet, we have taken the solid line here and then followed the dashed line around here, which eliminates this and puts that into the town. And part of that is privately owned. In fact, I think all of it, practically, is privately owned, some of it developed and some undeveloped.

And over here in Eastham, this is what they have asked for, and this is what we have agreed on, at least the Senators from Massachusetts. I think Congressman Keith is in agreement with that, although I do not want to speak for him.

The original bill does not have this in, but it was included in the former bill and still is included. There is some controversy with the town of Chatham. And this is approximately 400 acres, as given in the House hearing the other day. And it gives the only wooded island.

SENATOR BIBLE. What is the name of this island?

MR. WIRTH. This is Morris Island and Stage Island. This is Stage, and this is Morris.

SENATOR BIBLE. But they are presently included in the bill before the Senate, included in the Saltonstall-Smith bill?

MR. WIRTH. Yes. And it ties in with Mound Island, the refuge. This part of the island is wooded and the rest is bare all the way down. It is one of the best bird nesting places in the whole New England section, or certainly in the Massachusetts Cape Cod area. And consequently, there was a lot of pressure not to allow that to be subdivided or built on.

I think it has been subdivided, but there are no houses on it—on it at the present time. But it is a nesting area for the birds, and that is why it has been added to it.

THE CHAIRMAN. Could you not go down here and say, "They wanted this out, and the others didn't want this out," and we could begin to resolve some of these things?

You agree on that line, but you do not agree on the rest of it?

MR. WIRTH. That is right, sir.

THE CHAIRMAN. Why do you want the rest of it?

REPRESENTATIVE KEITH. I want the rest of it for the same purposes that the House requested of Mr. Wirth. If we are now in a bargaining position, with the Provincetown officials here, I think the park service proposal goes a very long way toward satisfying that town's requirements for future residential development.

I would make one other comment, that the State legislature has currently before it a bill to provide—the State now controls these lands, and they would be closer to the source, perhaps, than we here



in Washington with State representatives and State senators. But this proposal of the Park Service recognizes the need that exists in Provincetown much more adequately than the needs in other towns.

Senator BIBLE. Might I ask a question at that point?

In the area in red that you would like to have excluded, how much acreage are you talking about?

Representative KEITH. 330 acres is what the Senators have added; a total of about 950 requested.

Mr. WIRTH. These are lands now on the tax rolls that have not been built on.

Representative KEITH. We have a very wonderful opportunity to serve a national purpose here. We have the executive branch, the senior legislative branch, the Congressman who is closest to the people, and, if you want to have their comment at the same time, the towns' people are here, too.

Senator BIBLE. I certainly am going to hear from all the towns' people.

Representative KEITH. I am glad to say on the record that I think that the Park Service has recognized very nicely and perhaps most adequately the foreseeable demands of the town of Provincetown.

The CHAIRMAN. May I just point out that I think this is very useful. And I want to ask you very frankly: If you object to doing this, we have no right to do this at all, but we are going to try to resolve this for you. At least I hope to, and I am sure others do, too. I think you have been very fair in that last comment.

Senator BIBLE. As the people come in from these various towns, they can say why this should be excluded. I think we can develop it very well in the afternoon's hearings. We cannot do it within the next 6 or 7 minutes.

Representative KEITH. This is a wonderful way to work it out, and I would not be able to play such an active role if the towns were not here to be heard following my testimony.

Senator BIBLE. We will try to boil this down to the real nub of the problem.

Mr. WIRTH. May I say this: In the 30 years that I have been doing planning work for the National Park Service, I do not know when there has been so much time by everybody put in to try to work out a solution, the Congressmen, the Senators, the local people, and ourselves. And it has been a very fine experience, and we have tried to go into all details.

In fact, we had an outside concern come in to make an economic study of the cape in order to try to help us determine the relationship of these lands with the growing of the community. And the result of that indicates that the lands that we have left out for the growing community are sufficient for any foreseeable future. And that has been one of the things that has governed us.

In our development of this area, we are going to do the same thing we did in Cape Hatteras and in the Smokies. We are going to call on the people in the towns outside to furnish the necessary housing and eating facilities, and so forth. And what we are doing is keeping what is in the boundary, the areas that we think it is absolutely necessary to retain in their natural condition, and enough of the back country, the hinterland, and the drainage areas, that come down in



through here, which are beautiful, with the local bogs and so forth, that tie into the whole cape picture.

In our opinion, Cape Cod, if I may use this, is a national area already, by name. I think this is as well known as the Yellowstone, the Grand Canyon, and some of those, because Cape Cod fits into our history and into the natural scenery of the coast, and so forth, and is well known.

So our boundary line was drawn so as to allow the handling of the commercial part of it and the housing part of it, with an attempt to keep the backland, the growth, the wildlife, the birds, and so forth, which are abundant there, together with a lot of the history that goes with the cape.

There are some 75 houses in here of great historic interest, going back into the 17th and 18th century, which I think are very important to retain. Some of those are in here.

The CHAIRMAN. What is that next?

Mr. WIRTH. These are suggestions which in our opinion, from a management standpoint—there are houses in there that are protected to the extent that they may as long as they live use them, according to the bill. As long as they use them as a home, they do not have to sell to us. We have no right to take them away from them. They have a right to sell to us, according to the bill, and provide for living in it for 25 years, or their life expectancy. And this would figure on the purchase of it. So this bill covers that kind of thing.

The CHAIRMAN. Can they leave it forever?

Mr. WIRTH. Yes, unless they want to sell to us, we cannot buy it, under this legislation.

The CHAIRMAN. You sort of zone it?

Mr. WIRTH. No. This bill states that we have no power of domain over a home. Therefore that home can remain there as long as it complies with the zoning which the Secretary of the Interior approves, namely, that it be kept as a residence. There will be no great expansion. There will be no turning it into a hotel or motel type of development. That family can pass that down from generation to generation, as it has in the past, according to this bill.

The CHAIRMAN. Can the family sell it to a stranger of the blood?

Mr. WIRTH. Yes, sir.

Senator BIBLE. They pay taxes the same as everybody else?

Mr. WIRTH. Taxes the same as everybody else. But any vacant land in here is subject to the process of eminent domain. We have to have that, because we cannot stop development. It is a process of stopping and holding. The rest we live with and we gradually eliminate, as people do want to sell.

Senator BIBLE. How large an area is involved in this first red strip, coming up, the one that you are pointing to, the second one on the map?

Mr. WIRTH. I do not know what that acreage is, Senator. About 150 would be a good guess at it. We have not measured these all out. But these are the ones that they have suggested. And this one here—they say, "Keep the valley." But we want it around the edge.

Senator BIBLE. When you say, "They have suggested" you mean the House version?

Mr. WIRTH. No, not the House version. I mean the community.

Senator BIBLE. The towns themselves?

Mr. WIRTH. Yes, the various political bodies.

Mr. THOMPSON. Yes, we have acreages. The first is 216, the Highland Road.

Senator BIBLE. That has how many acres?

Mr. THOMPSON. Two hundred and sixteen.

Senator BIBLE. How many houses does it have on it?

Mr. THOMPSON. I do not know the exact number, but there is a scattering of houses up there.

Mr. WIRTH. Looking at it, I would say there are about 50 houses, all together, scattered through there.

Senator BIBLE. Tell us about the next strip.

Mr. THOMPSON. That is the Long Nook Road area.

Senator BIBLE. I would be pleased to have the Congressman's comment on the first one.

Representative KEITH. This is the only area within the seashore that is not currently zoned for residential purposes. Under the terms of our bill, already the 75-odd homes that are in this area would be entitled to at least 3 acres for their exclusion from the park. So of the 200-odd acres that are involved, a great percentage of it is already, by the provisions of our bill, exempted. The difference is that under the House version the towns could round it out.

Now, as I said, this was already zoned for limited commercial use. It is conceivable that under those circumstances a motel could be built in this spot to accommodate some of the people who would care to come down and enjoy the seashore. That would relieve the burden on the rest of the town for motel establishments.

Mr. Duart is here, and we will later on have the town's side.

The next area is Long Nook.

Senator BIBLE. Why should Long Nook be excluded?

Representative KEITH. Long Nook is a fine residential area, with no commercial development, and already some substantial plans and some building have taken place there. There are 44 homes in that area now.

I would point out that wherever there is a marshland, it is to be included within the park. They are just asking for certain additional upland to be taken out.

Mr. WIRTH. I imagine all of these are in the same category talked about. But I would like to point out our point, that this is an intrusion on here as far as continuity is concerned, and picking up the vacant land. I might say as years go along, some of these people will want to go away and will want to sell, and we hope to be able to buy.

On the other hand, there is no compulsion on them to sell to us, according to the wording of the bill. They can, but they do not have to.

The CHAIRMAN. Leaving those three and going to the next one, you have agreed on the next one, have you not?

Mr. WIRTH. We have agreed on this one at Truro, yes, sir.

Representative KEITH. This is known as the Rider's Beach area.

The CHAIRMAN. There is no argument on that.

Senator BIBLE. And it has been excluded under the Senate bill.

Representative KEITH. It has been excluded under the Senate bill. Their logic was that it was more contiguous to the town and could be eliminated, whereas the other represented more of an intrusion.



The CHAIRMAN. There is no argument between you on that, then?

Representative KEITH. Except that relatively speaking I believe that the towns would prefer to have the Pamet area as contrasted with the Ryder's Beach area.

Mr. WIRTH. What is that?

Representative KEITH. Pamet is one with the marshland in it. There is no argument there, except, as I say, if the towns were given their choice, they would prefer the Pamet area to the Ryder's Beach area.

Mr. WIRTH. Our boundary line here at Wellfleet has been drawn in this location, here.

The CHAIRMAN. You have two more next, there.

Representative KEITH. This is a new town. Your borderline runs up between this dotted line on the Rider's Beach area and goes right across the cape. You are now in the town of Wellfleet.

Mr. WIRTH. This is Wellfleet, and I was taking from here down.

This we have agreed to. This is Brown Brook with 382 acres, and Griffith Island with 482 acres.

Senator BIBLE. Those two items are shown as exclusions proposed by the towns in the December 1960, hearings. Are those excluded in the House bill?

Mr. WIRTH. No. Those are in the park in the House bill.

Senator BIBLE. They are in the House bill and in the Senate bill?

Mr. WIRTH. That is right. The boundary line in the House bill, as submitted, with some exceptions that the Congressman wishes to make in this 10-percent business. That is where the 10 percent comes in.

The CHAIRMAN. But we are not in any argument about these?

Mr. WIRTH. No.

Congressman, will you verify this? This boundary line as shown in the dashed line here is identical to your line?

Representative KEITH. No.

Perhaps Mr. Harrison can comment.

Mr. HARRISON. The House bill actually describes the unbroken black line, Senator, and as I believe Congressman Keith pointed out earlier, his thought was that while he included everything within the black line, he was going to satisfy the demands of the town by what is referred to as the 10-percent provision, which would have left it later up to the discretion of the towns and the Secretary to make the exclusion to suit the towns; 10 percent of the private lands.

The CHAIRMAN. If the 10 percent does not stay in the bill, then would these people object to that being in the park?

Mr. HARRISON. That is right, sir. In other words, I think the Congressman is now making the argument for the towns, because he realizes that the 10-percent provision will be dropped out of his bill. So he is trying to adjust the boundary now.

The CHAIRMAN. I am not trying to anticipate, but do you want those areas out? Is that what you are saying, Mr. Keith?

Representative KEITH. Yes. The town of Wellfleet would like to have all of the areas shown in red excluded. The Senators have conceded those areas in red which are surrounded by dotted lines. They have taken, in this town of Wellfleet, and included within the area of the town, the golf course, which would not have been de-



veloped for residential purposes, in any event, and sort of followed the marshland with upland between the original boundary and the one that they have recommended. It is the upland overlooking the marshland.

Mr. WIRTH. May I explain why we object to this? Because I think it is very important, especially in these areas here. It is true that this is filled-in land. In fact, as I understand it, the original town of Wellfleet was up to here. This has gradually filled. And the upland and lowland complement one another. And to leave out all the upland and just have the marshland is not good in the preservation of this. This is the only real piece of land on the inside of the cape that we have, and it is the most beautiful type of rolling Cape Cod land that you have ever seen, and the houses here are very scarce.

In fact, I do not think there is a house, or maybe one, on Griffith Island, at the present time. And I think there are about five or a dozen houses at the most on this piece of property. In fact, I think former Attorney General Biddle has his place there, in this location.

Now, those people, as far as those houses are concerned—I emphasize again that they can stay there as long as they want, as long as they do not subdivide and start building a lot of other houses. This completely ties our hands from interfering with their use of their homes. But we are willing to do that. It is a policy, sir, that we have exercised in many other places, especially the life tenancy proposition.

The CHAIRMAN. Since you put those dots around there, I guess you are willing to concede the next three places.

Mr. WIRTH. These here, yes.

The CHAIRMAN. What is this place?

Mr. WIRTH. This is the golf course.

The CHAIRMAN. And is there a name for that?

Mr. WIRTH. We call it the Eastside.

The CHAIRMAN. And you do not object?

Mr. WIRTH. No. The town is developing here, and this is part of it.

But this part over here is very important to the area. We call that the east side of the Herring River Valley. And the valley goes all the way up through here.

Senator BIBLE. And how about the two excluded areas?

Mr. WIRTH. If you will look more closely at this map, sir, you will find there were several ponds formed here, in various ways, by glacial action many years ago, and they contain within themselves a type of geology and biology, with fresh water here and salt and brackish water, and to us they are very important as a part of the habitat of this particular area.

Senator BIBLE. Are there homes on this area?

Mr. WIRTH. Yes, Long Pond has some, and Great Pond has some, over in here. In fact, this is Gulf Pond, which is quite a good sized area of water, and they have homes there, and they will be in the same category, and subject to tax, just like the rest of the property, according to this bill.

Seantor BIBLE. Why should they be excluded?

Representative KEITH. You have taken all the substantial fresh water ponds within this town. And the town has done a good job on public landings within these areas for the use of the town's people.

They have begun to have real estate developments there, and there is zoning. They contribute substantially to the potential economic strength of the community.

The same thing obtains in these two islands that have been included. The restrictions on the development of the land there are such that there will not be anything which would be contrary to the purposes of the park. Former Attorney General Biddle has a residence in there. They would contribute very substantially to the economic value of the taxable property.

I think I should point out Great Island there—that is in one family ownership. There will never be much real estate development there. The town has conceded that they would go along with the inclusion of that in the seashore. It is a wildlife habitat. It is also a good area for camping.

And originally, I might say, the towns wanted more substantial areas excluded from the park. This represents some concessions on their part, as well as on the part of the Park Service.

Mr. WIRTH. This is fairly well excepted, I think.

Representative KEITH. This is a very vital point. The areas which the Senators have conceded are for the most part scrub oak on high plateau and not in great demand from a residential use point of view. The area which the town much prefers to have in is that small strip of approximately 160 acres.

Notice that as you come down Route 6, it is shielded from this. There is already a buffer there. It has been zoned for residences. It will sell for approximately \$10,000 an acre. It is not unique to the park. It was not originally included by the Park Service. A road through it would go nowhere, because of the water barriers here. There is already some residential development that has taken place, and I believe that it is vital to the town of Eastham.

Senator BIBLE. What is the name of that, just for identification?

Representative KEITH. Well, it could be known as the Fort Hill section.

The CHAIRMAN. I thought that sounded, when you first mentioned it, to have some sense to it.

Mr. WIRTH. This was a complete composition, and here there is a marsh, with birdlife and so forth.

The CHAIRMAN. That area does not add much, does it?

Mr. WIRTH. I think it does, to this extent: That while there never will be a road across there, and we do not intent to build a road all the way down the sand dunes—we would destroy the very thing we are trying to do—we will have access to it.

I have been in there, on this road in here, and you get a very fine vista across that marshland in there. This line has been adjusted and readjusted time and time again, after one study after another. It may not have been in it the first time. I do not argue that point.

The CHAIRMAN. The point I am trying to make is that the Congressman stands here and says, "Well, maybe this isn't too high. Maybe this isn't too bad if you leave that alone." Now we get this little piece. You want to keep it all? I think you ought to give a little bit once in a while.

Mr. WIRTH. When we made up this land, sir, we have been giving and giving and giving. And you get down to the point where you cannot give any more.



Representative KEITH. I would like to point out that the town is willing to accede to a 10-foot-above-high-watermark barrier along here, so that there will be no impinging on the shoreline. In other words, of the 180-odd acres, they want about 160. And they will give the right to the National Park Service to include within its proposal the shoreline itself.

The CHAIRMAN. All I am trying to get to is this: Is this one of the least argumentative sections of it, or is it one of the vital things to you?

Mr. WIRTH. I think this is one of the cases where they have the best argument.

Senator BIBLE. That is a concession.

The CHAIRMAN. Now we are at the tail end.

Mr. WIRTH. The other one is Morris Island, which it has been urged upon us time and time again to put in there. And I think from the technical studies we have had, and the advice from the Fish and Wildlife Service and the State game and fish commission and everybody else, and the Audubon Society and the rest of them, this is really part and parcel of Monomoy Island. It has been filed as a subdivision and some preliminary roads have been cut in, but it is part and parcel of the Monomoy Island Refuge kind of thing. It is the only area that has trees and cover on it that raises to 75 feet above the sea.

I know the argument, which will be that some people figure that there will be hordes of people coming over here to this island. Well, there are 400 acres, and it is a bird refuge. It is a nesting place. And if we get that many people there, it will not be a nesting place, and we would not permit that, because we would go to the point where it would be a point of no return as far as its main purpose of being within the area is concerned.

Senator BIBLE. Thank you, Mr. Wirth.

Rebuttal?

Representative KEITH. Yes, sir.

This is a relatively new concept on the part of the Park Service, because their initial report made after several years of study shows that they intended it for camping purposes.

Mr. WIRTH. That is right.

Representative KEITH. And I have it here.

The CHAIRMAN. They could not nest very well where they were camping, could they?

Mr. WIRTH. As I tried to explain, Senator, this has been going on for 3 years, studying and restudying, and getting technical reports.

I might also add that at one time we had Harding Beach in, which we have put out. There are a lot of other things we had in.

But as we came down to the final point on the overall picture, we talked out loud and we thought out loud with everybody in order to try to get a compromise. So we may have said "camping ground" at one time. But that is not our final recommendation, and should not be considered as the final recommendation.

Representative KEITH. I might say that in this long process, it has been easier for me to deal with the present Secretary of the Interior than it was with the previous one. And I think his experience on the House side will be helpful to us in adjudicating this problem.



The CHAIRMAN. That in itself is a very fine statement.

Representative KEITH. I admit it is something of a concession.

Mr. WIRTH. I might say that the actual wording in the bill, which is also in your bill, as I understand it, actually prohibits any development on Morris and Stage Islands.

Senator BIBLE. That is the difference.

Unless there is something else to be added, at this time, I hope that you will return this afternoon. I think it is about time to recess for lunch. I am not trying to include everybody.

The CHAIRMAN. There are Members of the House who may want to come back over here.

Representative KEITH. You could not keep me away.

Senator GRUENING. I think this represents a magnificent democratic performance in giving and taking in trying to achieve the best results both for the Nation and for the local interests. And I wonder whether it would be helpful or whether it would embarrass you to file with the committee a statement of your priorities, the things that you least want to give up, such as this one you just discussed, and then the No. 2, and perhaps the No. 3, so that if the committee—

Representative KEITH. I am delighted to accept that suggestion. You realize, of course, that all of the towns have feelings. I am willing to go on record as to my priorities.

Senator BIBLE. We are certainly going to hear from them in full this afternoon.

Representative KEITH. I would like to say you have a unique development here which the people from Alaska will understand because of the title situation.

This is a constantly moving stretch of sand. The chances are that it will marry up with Monomoy, which is out here. You see, the channel through Monomoy and Morris Island is way over here. This black line sort of hides it.

Mr. WIRTH. Not intentionally, sir.

Representative KEITH. I understand. But the actual cut now is substantial, and is right close to Morris Island.

Mr. WIRTH. Way up in here [indicating].

Representative KEITH. And the feeling is that this will gradually come down to Monomoy, at which time there must be a breakthrough here. There is shellfishing here, and there has to be a passageway.

And they feel that this complex may marry up with Monomoy, but that Morris Island is already a part of the town. And \$500,000 has been spent on a causeway.

The CHAIRMAN. By whom?

Representative KEITH. By the town and the State and Federal Governments, to make this into a residential area.

Senator BIBLE. Any other questions?

Mr. WIRTH. As far as breaking through, we recognize in the bill the commercial value of fishing, shellfishing, and so forth, in here. The same thing is provided throughout Cape Cod. Oregon Inlet is kept open. And there would be no trouble. This would not be landlocked.

Representative KEITH. One final point. The original table of organization for the managing of this entire park, including at that time Morris Island, contemplated 29 bodies, many of whom were in

the administrative section. They had a total of five lifeguards, three rangers, and one chief ranger, to manage this whole property. I would rather have them manage a little jewel on Cape Cod than a tremendous area that was beyond their ability to control.

Mr. WIRTH. May I interrupt there?

I hope as we go along to appear before the various committees of Congress on management and present our management problem from year to year. We will not be held to the so-called 29 bodies. We would like to call them individuals, because they are live bodies.

Representative KEITH. This is the term that has been used in the military, and I have seen table of organization charts. And, as you know, there has been considerable criticism of our Park Service in the operation of its present establishments, and I feel that they have a marvelous opportunity here. I feel that the cape, and I as its Congressman, have made substantial contributions to the national interest in approving the thing in principle in the first place.

It started off as a seashore, and then they began to go up. The original conversation was about taking the outer beach, and then taking 10,000 acres of upland. And now they are up to about 30,000. And those of you from Alaska can appreciate how much of a burden it is on the local groups, when the Federal Government comes in.

The CHAIRMAN. They are living up to the motto in my home State, which is: "It grows as it goes."

Representative KEITH. The people of this area are wonderful people, and they read the Atlantic monthly, and they know the problems that other areas are facing, and they know their ability to accommodate the 10 million visitor days projected for this strip of land. The town must have sound economic bases for the preservation of their own interests.

Mr. WIRTH. Mr. Chairman, I hesitate to say this, and I know the Congressman will not take me wrong. But he brought the question up in the House, and I cannot let it go the second time without replying to it.

He refers to knowing how bad the parks are being managed and the Atlantic monthly article, by one Butcher, I believe. I defy anyone to show that the parks are not being managed properly. I do not like to have the Service slurred by one individual article and have it brought in here or anywhere else as a reflection on the integrity of the Service in not carrying out the responsibilities placed upon it.

I do want to go on record. I passed it up in the House, but I cannot do it twice.

The CHAIRMAN. I think all he means is that Congress does not give you quite enough money.

Mr. WIRTH. No; the Atlantic monthly did say more than that, and it was printed and distributed down in the cape to reflect on the Park Service.

I am not accusing the Congressman, but I object.

Representative KEITH. I am glad it is out in the open, because I want to say that I appreciate the fine job the Park Service has been doing, and I did not mean to imply that they would not operate this to the best of their ability. They will. And it will be in the national service. But they can do a better job with a small park, in my opinion.

The CHAIRMAN. I only want to say that in my home State, which I constantly refer to, naturally, we had some caverns down there that were privately owned. We finally got title to them in the State. I was one of those who fought hardest to get them away from the State into the hands of the Federal Government, in order to let the National Park Service do a good job of management. It has, and I constantly testify to the fine job they have done.

One of the reasons they get along so fine is that Congress gives them enough money to do the things that need to be done. If they did the same thing all over the country, we would be most happy in the administration of our parks.

Senator BIBLE. Most problems can be solved by a little more money, and we have areas where the administration has been very effective.

Most of the areas that you have included in our western part of the country are areas which can be handled by your being given a little more money. This has been a priority problem.

I think this has been a most illuminating and helpful and progressive session this morning.

We will be in recess until 2 o'clock.

I want to thank you, Mr. Congressman, for your patience and your adroitness and familiarity with this problem which you are presenting. You are certainly well briefed.

We will stand in recess until 2 o'clock.

(Whereupon, at 12:25 p. m., the subcommittee recessed, to reconvene at 2 p. m., the same day.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m., Senator Alan Bible, chairman of the subcommittee, presiding.)

Senator BIBLE. The hearing will come to order.

At the conclusion of the morning session, we were hearing testimony from Conrad Wirth, Director of the National Park Service, accompanied by Frank Harrison and Ben Thompson.

If you men would return to the witness stand, we will complete your presentation.

Mr. Wirth, I am aware of the fact that you have a conference set for 3 o'clock. We will try to accommodate you and get you out before that time.

**STATEMENT OF CONRAD WIRTH, DIRECTOR, NATIONAL PARK SERVICE, ACCOMPANIED BY BEN H. THOMPSON, CHIEF, DIVISION OF RECREATION, RESOURCE PLANNING; AND JOHN M. KAUFFMANN, PARK SPECIALIST, NATIONAL PARK SYSTEM PLANNING BRANCH—Resumed**

Mr. WIRTH. I have this afternoon substituted Mr. John Kauffmann for Mr. Harrison.

Senator BIBLE. I see a new face at the table.

Mr. WIRTH. I think, sir, that my statement can be wound up very briefly and I would like to say to repeat what I said this morning: This project has received more attention and more study by more people than I think any one project that I have known in 30 years.



Senator BIBLE. You say it has been under study for how many years? How many years did you say this morning? Five?

Mr. WIRTH. This was studied back in our projects during the thirties and was dropped during the war and this last study on the seashore was started about 5 years ago and has been under constant study since then and crystallizing to the stage we have today.

There have been economic studies made. There have been more people participating in it especially the Members of Congress and the State government itself.

The director of the Massachusetts Department of Natural Resources is here also as one of your witnesses.

I have a letter from him of March 7 on this subject which I would like to place in the record. It is in support of the project and proceeding the way we are.

Senator BIBLE. The letter was directed to you from the commissioner of natural resources of the Commonwealth of Massachusetts?

Mr. WIRTH. That is right, sir.

Senator BIBLE. The letter may be included in the record at this point.

(The letter is as follows:)

MASSACHUSETTS DEPARTMENT OF NATURAL RESOURCES,  
*Boston, Mass., March 7, 1961.*

MR. CONRAD L. WIRTH,  
*Director, National Park Service,  
Department of the Interior, Washington, D.C.*

DEAR MR. WIRTH: I understand that questions have arisen recently concerning the possibility of achieving the preservation of the outer beach of Cape Cod and its adjacent uplands through action by the State and local governments, or perhaps through joint action by the Federal Government and the Commonwealth of Massachusetts under a system of Federal loans and grants, rather than the type of direct action by the Department of the Interior contemplated in the pending Cape Cod National Seashore Park legislation.

I would like to emphatically state, in my opinion, that such proposals would not be pertinent to the Cape Cod area now under consideration by Congress. Although the concept of Federal-State cost sharing as applied to parks and open spaces has considerable merit, the following reasons would tend to discount the advisability of such a program on Cape Cod.

1. The area in question has multiple features of scenic, recreational, cultural, and historic interest of national status. These have been fully documented in the Park Service report of 1958.

2. In size, the proposed Cape Cod seashore would constitute an area equal to perhaps a sixth of the State's total forest and park holdings. It would be twice the size of the largest State forest and 20 times that of the largest State park in the present Massachusetts system.

3. An increase of 1 million visitor days has been anticipated for the area during the 4 years following establishment as a national park. Compare this figure to the 1½ million visitor days registered for the entire Massachusetts park system in the 1960 recreation season.

4. In terms of finances required to acquire the area, a sum of \$16 million has been authorized to accomplish the objectives of the pending legislation. The Massachusetts Legislature, in 1957, authorized a long-term parks expansion program for the Commonwealth as a whole which was estimated to require 20 years and a capital outlay of some \$100 million. Although \$40 million was recommended by outside consulting engineers for the first 3 years of this program, only \$3 million has been appropriated to date. It would be a matter of serious question as to whether the Commonwealth would be in a position to undertake the type of financial responsibility involved in a single project of this magnitude, either in terms of initial outlay or operation.

5. Again in terms of physical size and anticipated usage by the public, the Cape Cod area would be far in excess of the experience or present capabilities of the Massachusetts park system. Furthermore, studies have shown that over

half of the summer visitors to Cape Cod come from outside the New England region, thus underlining the case for an area under Federal jurisdiction.

6. Lastly, the presence of this major strip of seashore, still relatively unspoiled, within a day's drive of a third of the Nation's population, offers an unprecedented opportunity to the Federal Government to add to its growing system of national recreation areas. While this will benefit Massachusetts, it will also provide substantial relief for the growing urbanized stretches of the east coast where many of us feel prompt Federal action is a necessity.

In summary, I hope you share my thoughts that the establishment of a national seashore park on Cape Cod by the Department of the Interior is the only practical course of action to follow at this time. While the Commonwealth and its towns should be complimented upon their successful conservation programs in some portions of the lower cape, it is my opinion that the circumstances outlined above make the job ahead hopelessly beyond the capabilities of these lesser units of government.

With best personal regards,

CHARLES H. W. FOSTER,  
*Commissioner.*

Mr. WIRTH. The State legislature last year, I believe it was, passed a resolution in favor of establishing the Cape Cod National Seashore.

Now, the point I want to emphasize very strongly is that we have tried to make a clear balance between outside operation as well as the preservation of the area. We are unalterably opposed, sir, if I may be that strong before this committee, in slashing it and making paths through it similar to those shown there in red on the map, because we will not have the continuity. We will disturb the natural elements and they will be very detrimental to the preservation and management of the area if we are going to accomplish the things we are planning on accomplishing and which this legislation is drawn for.

Also I want to emphasize that this whole thing has been cut down from the regional plan by 10 percent to start with. These dot areas that I pointed out this morning for those who were not present, may I point out here, have been left out. These have been left out constituting another 8½ percent reduction from the original, and the provision in the bill which provides that a person has a piece of property and is using it for a residence may do so and we do not have the power of condemnation as long as he uses it for that purpose really adds another 10 percent reduction in the size of the area due to actual use of property which would not be public property.

So that, all together, from the original concept when the 10 percent was beginning to be talked about, the area has been reduced almost 28½ percent give and take a small amount.

In the question of compromise, sir, as to further reductions on it, I think we perhaps ought to start from the beginning on the whole boundary line because everything has been taken and nothing has been given on the area itself.

Senator BIBLE. What is the total land acreage within the present Senate bill, the Saltonstall-Smith bill?

Mr. WIRTH. Within the boundary line as now drawn and in the bill it is 29,663 acres. Of that amount, 12,856 is now public land of one kind or another and 16,807 is in private ownership.

Senator BIBLE. That is the land that you would have to pay for under the proposed bill estimated cost of \$20 million? Am I right on that?

Mr. WIRTH. No, the bill calls for \$16 million. There will be some controversy as to whether it should be more than \$16 million, and we do know that the price of land has gone up and our estimate is that it goes up approximately \$500,000 a year.

That is why we have the urgency of moving forward and making a decision.

Senator BIBLE. What is private land worth an acre on the Cape Code seashore unimproved?

Mr. WIRTH. I do not think I can give you a figure on that, sir, because it varies as to location. Closer to town it would be more expensive or on the shore would be more expensive.

Senator BIBLE. It ranges from what to what? Is it \$200 an acre or \$1,000 or \$5,000?

Mr. WIRTH. Some of the land has been indicated as being sold for several thousand dollars, some \$4,000 in different locations.

Senator BIBLE. This is just bare private land without improvements on it?

Mr. WIRTH. Our figures show that it has gone from some at \$100 an acre up to \$4,500 an acre depending on the location. That is from a report dated August 26, 1959.

Senator BIBLE. What is the length of the Cape Cod seashore?

Mr. WIRTH. I think about 40 miles, sir, in round figures.

Senator BIBLE. And its width at the widest place is how much?

Mr. WIRTH. This is your scale here. That would be the widest, I think. It would be about 4 or  $4\frac{1}{2}$  at this location and here it would be down to a mile or three-quarters of a mile.

Senator BIBLE. There are how many people within this area at this time, roughly?

Mr. WIRTH. The estimated population in 1960 is the six towns and all on the whole cape there is 15,000.

Senator BIBLE. 15,000 within this area?

Mr. WIRTH. Yes; within the six towns.

Senator BIBLE. Do they live there year round?

Mr. WIRTH. There are about a thousand permanent residents.

Senator BIBLE. What is the season, roughly? Is it May to October or something like that?

Mr. WIRTH. Yes, sir.

Senator BIBLE. During that season, you have 16,000 people in the six towns?

Mr. WIRTH. That is right.

Senator BIBLE. Off-season you have approximately a thousand?

Mr. WIRTH. That is right, year-round residents.

Let me get my figures correct here; 15,000 is the estimated population in and out of the park area in 1960.

Senator BIBLE. So that this is the six towns plus those outside?

Mr. WIRTH. The whole thing is made up of six towns.

Senator BIBLE. The year-round population is around 1,000?

Mr. WIRTH. Yes, sir; 1,000 in the park. I am sorry, sir. I am getting it confused here.

There are about 1,000 in the park year around.

Senator BIBLE. How many are in the towns year round?

Mr. WIRTH. There are 15,000 in the towns of which 1,000 are in the park year round.



Senator BIBLE. How many are within the towns year round? The towns have a year-round population. That is all I am trying to develop.

Mr. WIRTH. There are 15,000 people that live in the towns year around of which 1,000 live within the park boundary.

Senator BIBLE. How much actual increase do they have seasonally, then? I did not understand your first statement.

Mr. WIRTH. I did not make myself clear, sir. It was my error.

Senator BIBLE. How much seasonal influx of people is there? Does it double the population?

Mr. WIRTH. I would want to look at this statistical data to give it to you, sir.

Senator BIBLE. It can be supplied for the record if it is not readily available to you.

As I understand, there is a great potential and it has been used for years and years as a summer resort. During the summer, how many additional people do you have? That is all I want.

Mr. WIRTH. We will be very glad to furnish the information we have which has been collected through this economic study.

Senator BIBLE. You may dig that out and supply it for the record. (The information follows:)

The 1960 census figures for the six lower Cape Cod towns affected by the Cape Cod National Seashore proposal are as follows:

Provincetown.....	3, 346
Truro.....	1, 002
Wellfleet.....	1, 404
Eastham.....	1, 200
Orleans.....	2, 342
Chatham.....	3, 273
Total.....	12, 567

The 1960 population of Barnstable County, which comprises all of Cape Cod, was 70,286.

These population figures are for year-round residents. The Census Bureau has no seasonal population figures for the cape. An economic study relating the to proposed Cape Cod National Seashore Park, 1960, made for the National Park Service by Economic Development Associates, Inc., of Boston, Mass., estimated the summertime population in these lower cape towns at about double the year-round population. We believe this estimate to be conservative.

The estimated population of the area proposed for a Cape Cod National Seashore is about 1,000 permanent residents, with about 2,000 more coming to the area in summer months.

Senator BIBLE. I have no further questions.

Senator Allott?

Senator ALLOTT. Mr. Wirth, as I understand this from the original concept of the Cape Cod, you have had three reductions of acreage, a 10 percent, an 8½ percent, and another 10 percent, so that you now stand with an acreage of some 28½ percent less than that with which you started in the original concept of the park, is this correct?

Mr. WIRTH. I think that needs a little clarification. I perhaps did not make myself clear.

There was an original 10 percent and there has been an 8.5, but the legislation also carries a provision regarding anybody that wishes to remain in their homes as residents in the property within the boundary, and there are a lot of them that would like to do that, that

we do not have the power of condemnation. They can do that as long as they occupy it as a residence.

Senator ALLOTT. So that, actually, there has been an 18½-percent reduction with a possible reservation for the 25-year period of another 10 percent?

Mr. WIRTH. Longer than that, sir, because the 25-year period or lifetime is applied to selling. In other words, they could sell to us with a lifetime interest or 25 years, but they do not have to sell and if they do not sell we have no way of buying the land until they are ready to sell. In other words, they could sell it to somebody else and that family could live there as long as they use it as a home.

Senator ALLOTT. That would be limited by what, 25 years?

Mr. WIRTH. No, there is no year limitation at all, sir, as long as it is owned and used as a residence, and the zoning is one of the controls.

Senator BIBLE. Would the Senator mind an interruption so that Mr. Callaghan, the staff director of the committee, may ask a question at that point?

Mr. CALLAGHAN. Mr. Wirth, calling your attention to the proviso in section 4, related to the power of condemnation in those periods during which it is suspended, the year period right after the enactment of the act as well as the period of time when satisfactory zoning regulations are in effect, do you consider that proviso in section 4(d) as an exception to the times when your power of condemnation will be suspended?

Senator BIBLE. You are referring to section 4(d) on page 18, is that correct?

Mr. CALLAGHAN. Yes.

Mr. WIRTH (reading):

The term of "improved property" wherever used in this act, shall mean a detached one-family dwelling the construction of which was begun before September 1, 1959 \* \* \*.

In other words, that was written into the bill in order to prevent a big rush for subdivision and building to get a house built before the act was passed—

\* \* \* together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least 3 acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed.

I think that is an indefinite period.

Mr. CALLAGHAN. My question goes to the following proviso:

That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

Am I incorrect in assuming that this proviso is an exception to the suspension of your condemnation power, that actually people are exempt from condemnation when they meet the requirements of the act on up to a minimum of 3 acres?

Mr. WIRTH. That is right.

Mr. CALLAGHAN. Is it the intention of the Department to immediately acquire with or without condemnation the beach and water area now privately owned?

Mr. WIRTH. The main purpose of this proviso is to be able to acquire the vacant land that comes up to the beach in order to have a continuity of the sand dunes and the beach.

Mr. CALLAGHAN. But in some of the interior properties privately owned, if an individual has 25 acres and it is wooded and secluded, a large portion of it, presumably whether he wishes to sell or not, you can leave him a minimum of three acres and maybe more and take what you want under condemnation powers even though it may be in the first year after enactment of the act or during periods when satisfactory zoning is observed?

Mr. WIRTH. That is true.

Mr. CALLAGHAN. This applies to all beach and water privately owned?

Mr. WIRTH. I doubt that we would want to do that.

The main purpose as stated in here is the adjoining beach and water property that we are concerned with more than anything else. That is why the words "at least 3 acres" are used.

Senator BIBLE. Senator Allott, thank you.

Senator ALLOTT. I would like to ask, is it your interpretation, then, on page 16 of section 4, subparagraph (a) (4) that any person who is the owner in fee of property within the park may elect to hold that land in perpetuity, in absolute fee?

Mr. WIRTH. If it is residential property, yes.

Senator ALLOTT. So that, any person who does own such property could elect to retain it. He could sell it to another person and that person, as long as he kept it as residential property, could continue to hold it and this could go on indefinitely?

Mr. WIRTH. That is right.

Senator ALLOTT. In other words, in this respect, except for the limitations on it, it could be treated as an estate in fee, is this correct?

Mr. WIRTH. Yes, sir. If he had, say a 10-acre tract that had a house on it and wanted to build another house on it, then we would have the right to step in and condemn.

Senator ALLOTT. Mr. Wirth, I have just one other question and perhaps a remark because I think we might bring this whole thing into focus.

You have, as Director of Parks, acquired a great deal of land, privately owned land and condemned land, in private parks throughout the West, have you not?

Mr. WIRTH. Yes, sir.

Senator ALLOTT. In any instance, do you know of where any person who was the owner of such land has been guaranteed or given any rights such as are spelled out in section 4?

Mr. WIRTH. No, sir.

Senator ALLOTT. Thank you very much, sir.

Senator BIBLE. That is all, Mr. Wirth. Thank you very much.

I have no further questions.

(Subsequently the following communication was transmitted to the committee by the National Park Service:)



DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
Washington, D.C., March 29, 1961.

HON. ALAN BIBLE,  
*Chairman, Public Lands Subcommittee,  
Committee on Interior and Insular Affairs,  
U.S. Senate, Washington, D.C.*

DEAR SENATOR BIBLE: The recent hearings on the bill to establish the Cape Cod National Seashore Park presented the matter of standards that may be issued by the Secretary of the Interior for the approval of town zoning bylaws.

There are enclosed copies of tentative zoning standards prepared by the National Park Service from available facts. The enclosure represents the National Park Service's present considered judgment of the applicable criteria that should be recommended for adoption by the Secretary in the event the legislation now being considered by the subcommittee is enacted.

Sincerely yours,

CONRAD L. WIRTH, *Director.*

#### TENTATIVE ZONING STANDARDS FOR THE PROPOSED CAPE COD NATIONAL SEASHORE

Legislation which has been proposed would exempt from condemnation certain residential property within the seashore which meets local zoning standards approved by the Secretary. Based upon facts available to us at this time, we believe, and would so recommend to the Secretary, that general standards of approval should be predicated upon criteria which take into consideration the following:

The proposed legislation stipulates that the standards specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the park which is situated within the town adopting such bylaw. Otherwise they shall promote the preservation and development, in accordance with the purposes of this act, of the area comprising the park, consistent with the laws of Massachusetts.

Accordingly, there should be no commercial zones within the proposed national seashore. Such commercial ventures within the authorized boundaries as the Secretary might find to be consistent with the purposes of the national seashore would be issued permits, as authorized by the legislation.

There should be designated two general types of land use or zones in the seashore, to be known as a seashore zone and a seashore historical zone.

*Seashore zone.*—Improved residential property begun before September 1, 1959, and hence exempt from condemnation if zoning standards are adhered to, should be maintained as detached one-family residential dwellings and their character as residences not impaired. No moving of buildings, repairs, alterations or enlargements of the dwelling or appurtenant structures should be made which would give them less than a 50-foot setback from all streets measured at a right angle with the street line, and 25 feet from the abutters' property lines, or less than such setbacks as already exist for the dwelling or appurtenant structures. No changes in lot sizes should result in reduction of lot frontage to less than 150 feet.

The filling or clearing of land and cutting of timber, or the removal of topsoil, sand or gravel, boulders larger than 18 inches in diameter, or stone walls on all private property should not be permitted within the framework of an approved zoning ordinance without first securing a certificate of appropriateness from the National Park Service.

In addition to occupancy as a one-family private residence, permitted uses in the seashore zone could include use of rooms in a dwelling as a professional office by residents of the dwelling; the existence of such appurtenant structures as a garage, barn, and boathouse as accessory uses for the principal resident of the premises; display of a sign, which may be indirectly but not directly illuminated, and not to exceed 2 square feet in area, referring to the occupancy or to the sale or rental of the premises; continuation of traditional agricultural uses on previously cleared and clear land, or on land cleared with National Park Service approval but not including such objectionable uses as a piggery or the raising of livestock or poultry for commercial purposes.

In addition, such uses as are traditional to these communities of private homes could be permitted to continue. These could include the opening of shellfish, storage of fishing equipment, and such home occupations as the making and selling of traditional Cape Cod products produced on the premises, and the renting of rooms and serving of meals by residents of the premises so long as these activities do not alter the essential character of the dwelling as a private residence. Such uses would not include public restaurant facilities.

*Seashore historical zone.*—All regulations and permitted uses applicable to the seashore zone should also apply to the seashore historical zone.

In addition, the exterior of buildings within the seashore historical zone and such other structures as the Secretary of the Interior may designate as of historical or architectural significance should not be altered, repaired, removed, or changed in color without first securing a certificate of appropriateness from the National Park Service.

Senator BIBLE. Our next witness will be Mr. Foster, Commissioner of Natural Resources of the Commonwealth of Massachusetts.

#### STATEMENT OF CHARLES H. W. FOSTER, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF NATURAL RESOURCES

Mr. FOSTER. Mr. Chairman, I am Charles H. W. Foster, Commissioner of the Massachusetts Department of Natural Resources, Commonwealth of Massachusetts, representing today both the department and its board of natural resources. I would like to express for both organizations their wholehearted support for the proposed Cape Cod National Seashore Park and their strong recommendation that authorizing legislation be enacted by Congress in the shortest possible space of time.

In previous appearances before committees of Congress, I have attempted to explain in detail my support for such legislation and the reasons why its implementation would seem to be in the best interest of Massachusetts and the Nation. To avoid lengthy repetition, I will capsule these thoughts into the following 10 points:

1. According to thorough studies conducted by the National Park Service, the outer arm of Cape Cod constitutes not only the longest stretch of ocean beach within the New England shoreline, but also an area which contains virtually every feature desirable as a major public seashore.

2. The geographic position of Cape Cod places it within a day's drive of a third of the Nation's population—park or no park.

3. Located in the heart of the east coast's expanding urban strip, it is already threatened by commercial exploitation. Prompt remedial action will be necessary to prevent this outstanding area from joining other sections of the fast-vanishing American shoreline.

4. There are few places remaining in the Nation where historic, cultural, scenic, scientific, and recreational values come together in such abundance.

5. Massachusetts and its member communities have not been unaware of these values and have taken steps within their means to set aside portions of the area in question. Federal assistance is now sought because—

- (a) the job at hand is presently beyond the capacity of these lesser units of government;

- (b) the public interest to be served is regional and National rather than purely State or local.



6. In contrast to most national parks, a stable, longstanding economy exists on Cape Cod. This should preclude the necessity of any major investment by the Federal Government in access and public use facilities once the land acquisition job has been completed—hence a going, quality park in the shortest possible space of time.

7. In my opinion, the initial impact of the park upon the six lower cape towns will be more than offset by the long-term economic advantages. Further, the in-lieu-of-tax provision of the legislation should satisfactorily cushion any immediate shock to the communities.

8. It is my further opinion that, under National Park Service administration, a satisfactory balance can be maintained between conservation and recreation which will avoid the type of exploitation for public purposes feared by many local residents.

9. The legislation before you has been tailor-made for Cape Cod. Few proposals of its kind contain so many specific safeguards for local interests. The type of Federal, State, and local teamwork visualized constitutes, in my opinion, both a practical blueprint for immediate action, and pioneering park legislation in every sense of the word.

10. Lastly, the proposal before you has widespread public support in Massachusetts, as well as other portions of the region. I am reliably informed that a substantial majority of Cape Cod residents and visitors would welcome creation of a national park at this time.

At this point, may I read a statement from Hon. John A. Volpe, the Governor of Massachusetts:

STATEMENT OF JOHN A. VOLPE, GOVERNOR, COMMONWEALTH OF MASSACHUSETTS

As chief executive of the Commonwealth of Massachusetts, I would like to take this opportunity to urge prompt action by your committee and by Congress authorizing the establishment of a national seashore park on Cape Cod. The legislation before you constitutes, in my opinion, a major opportunity not just for Massachusetts, but for the Nation as a whole.

This magnificent sweep of beach and upland, extending some 40 miles from Provincetown to the tip of Monomoy, is well known to those who cherish the ocean and its many values. It has been cited as the last major stretch of unspoiled ocean beach in existence along the entire North Atlantic shoreline. That it still remains unspoiled today is a tribute to the Commonwealth and its political subdivisions who have exercised careful trusteeship over a resource which properly belong to all people for all time.

Yet the expanding urban areas of the Eastern United States threaten to engulf by commercial development the very values which its population will need increasingly in the future, and without prompt action by the Federal Government, the famed outer beach of Cape Cod will join other sections of the Nation's coastline where too little was done too late.

May I therefore underline the urgency which I feel now exists and strongly recommend that positive steps be taken by Congress towards the realization of this important project.

In the furtherance of these objectives, I can pledge the full cooperation of the Commonwealth, its executive and legislative branches, its many public officials and private organizations, together with an overwhelming majority of its citizens, who continue to clearly and consistently support the need for a national seashore park on Cape Cod.

May I therefore urge your committee to give favorable consideration to the legislation before you and bring into being the first national seashore ever established within the North Atlantic region.

Senator BIBLE. Thank you very much, Mr. Foster. You sat through all the testimony this morning, is that correct?



Mr. FOSTER. Yes, I did, sir.

Senator BIBLE. You heard the colloquy between Senator Anderson and Mr. Wirth and Congressman Keith and myself regarding the difference in the boundaries. Now, as the commissioner of natural resources in the Commonwealth of Massachusetts, do you have a position on that?

Mr. FOSTER. I have a position in that I think this matter should be resolved between the communities and the agency to administer the park. As far as the boundaries that have been suggested in the legislation before you, although there are matters that I would have preferred otherwise, the legislation before you has my full support.

Senator BIBLE. I understand that. Then the Senate version is slightly different from the House version. What we have been trying to do is see if there is some way that this could be reconciled and worked out. I wondered if you had a feeling as to these exclusions whether they should be within the boundaries of the national park or whether they should be out.

Have you any position on that?

Mr. FOSTER. With reference to the exclusions contained in the Senate legislation, this would seem to be fair to both sides at the present time.

I think the danger on compromise is that what could be in my opinion a first-class national park could well be compromised, in my opinion, by some of the red areas outlined on that map. This I would not like to see happen.

Senator BIBLE. If I can pinpoint your testimony a little more definitely, did I understand you to say that as the commissioner of natural resources, you would not favor the exclusion as shown in red on the map before us; is this correct?

Mr. FOSTER. That is correct; yes.

Senator BIBLE. This is what I was trying to arrive at. I think I have no further questions.

Senator ALLOTT. I have no questions.

Senator BIBLE. Thank you very much, Mr. Foster.

Our next witness is John C. Snow, chairman of the Board of Selectmen of Provincetown, Mass.

We are happy to have you with us, Mr. Snow.

#### STATEMENT OF JOHN C. SNOW, CHAIRMAN, BOARD OF SELECTMEN, PROVINCETOWN, MASS.

Mr. SNOW. Thank you, Mr. Chairman. It is a privilege to appear before you and represent my town and its interests here. I am John C. Snow, chairman of the Board of Selectmen of the Town of Provincetown. I am also a native of the town, having been born there and spent my life there. I am also a practicing lawyer in the town of Provincetown and I am in the real estate business as well.

Senator BIBLE. I think I remember from the dissertation this morning just where Provincetown is. It is the town way down on the left-hand side; is that correct?

Mr. SNOW. Yes, that is right, Mr. Chairman. The borough line of Provincetown is right here and this area out in the outermost part of Cape Cod is Provincetown from this line out. Of course, the map is on an angle. It really should be straight up.

Senator ALLOTT. Does that include the hook, Mr. Snow?

Mr. SNOW. Yes, Senator, it includes the entire area right out through the hook being known as Long Point in the middle of Provincetown Harbor, and that is a Government reservation at the present time occupied by the U.S. Coast Guard for lighthouse and lifesaving purposes.

I have appeared previously before various committees and subcommittees of the House and Senate on this proposed legislation.

I would like to incorporate by reference my remarks before the previous committees insofar as they apply to this bill, in order to save the time of this committee.

Senator BIBLE. It may be understood and it may be incorporated as given.

Mr. SNOW. We, in Provincetown, are in favor of the Cape Cod National Seashore Park as proposed with certain minor modifications as to boundaries.

The Commonwealth of Massachusetts has jurisdiction over an area known as the Province Lands which have previously been referred to here. That is an area of approximately 3,290 acres.

Adjacent to the Province Lands is another area of land which consists of 1,136 acres which is now in private hands, privately owned, and assessed by the town of Provincetown and that is private land which is to be taken, proposed to be taken from the town for the national seashore park.

We have through the years, and this is not something of recent device but perhaps became more urgent with the impendency of the national seashore proposal, attempted to acquire a portion of this land into which the town might expand.

The board of selectmen, consisting of five members all elected officials, and the Planning Board of the town of Provincetown, have unanimously supported our attempts to acquire a portion of this land.

Senator BIBLE. At that point, simply for the record, how many people are there in Provincetown? What is your year-round population?

Mr. SNOW. The year-round population according to the last census, I believe, is 3,314.

Senator BIBLE. Thank you.

Mr. SNOW. We probably have one of the most crowded, most congested and oldest towns on the cape. The town itself was first heard of in 1620 when the Pilgrims first landed there before going to Plymouth where they established their permanent settlement. The town was incorporated in 1727 and was originally located on Long Point, the hook in the middle of the harbor, and moved in as a little fishing village along the shore.

The houses are very crowded, congested, and there is very little room to expand.

As a result of our efforts we have supported a resolve in the Massachusetts Legislature known as chapter 123 of the Resolves of 1960, whereby a commission was established by the State authorized by the State legislature to look into the acquisition by the town of a portion of this State-owned land.



I would like to file with the committee the report of this special commission investigating and studying the conveyance of a portion of the Province Lands to the town of Provincetown dated December 28, 1960.

The members of that commission were Mr. Rodolphe G. Bessette, the director of the division of Waterways of the Commonwealth; myself as chairman of the board of selectmen; and the chairman of the planning board, Mr. J. R. Ham, that recommends to the State legislature, and there was also a map or plan attached to it, a certain portion which should be excluded from the proposed park.

(The report follows:)

REPORT OF SPECIAL COMMISSION INVESTIGATING AND STUDYING THE CONVEYANCE  
OF A PORTION OF THE PROVINCE LANDS TO THE TOWN OF PROVINCETOWN

DECEMBER 28, 1960.

*To the Honorable Senate and the House of Representatives of the Commonwealth of Massachusetts:*

In accordance with the provisions of chapter 123 of the Resolves of 1960, your special commission appointed to investigate and study House Document No. 3290, providing for the conveyance to the town of Provincetown of certain lands owned by the Commonwealth and known as the Province Lands, your committee after study and consultation reports as follows:

Chapter 123, Resolves of 1960 is as follows:

*"Resolved*, That an unpaid special commission, to consist of the director of the division of waterways in the department of public works, the chairman of the board of selectmen of the town of Provincetown and the chairman of the planning board of said town, is hereby established for the purpose of making an investigation and study of current house document numbered 3290, providing for the conveyance to the town of Provincetown of certain lands by the commonwealth. Said commission shall be provided with quarters in the statehouse or elsewhere, may hold hearings, may travel within and without the commonwealth, and may expend for clerical and other assistance and expenses such sums as may be appropriated therefor. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December in the current year."

It is recommended that legislation be passed conveying a portion of the so-called Province Lands to the town of Provincetown according to the metes and bounds and subject to the restrictions and conditions as set forth in the following proposed, suggested act.

"An ACT providing for the conveyance to the town of Provincetown of certain lands by the Commonwealth.

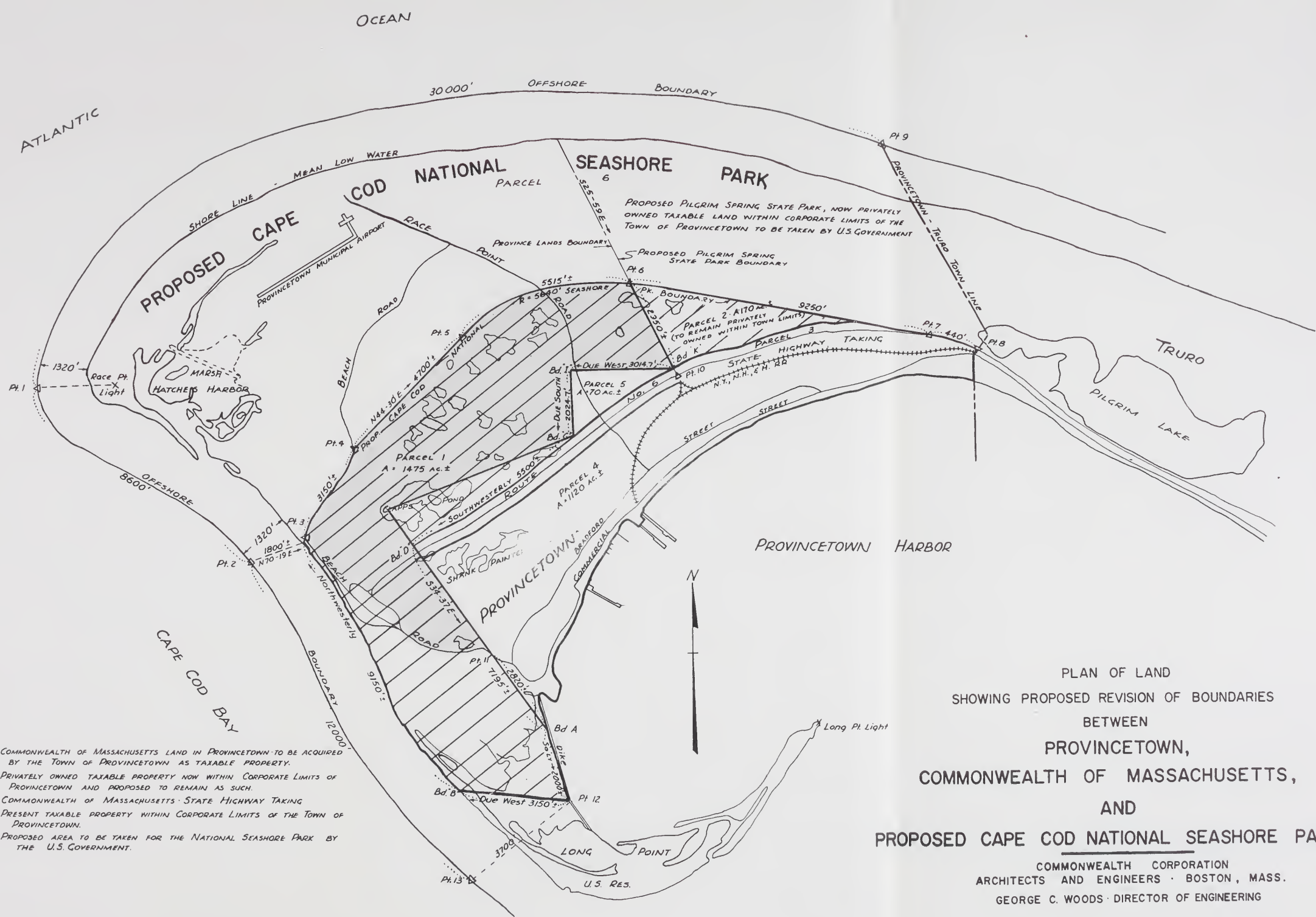
*"Be it enacted by the Senate and House of Representatives in general court assembled, and by the authority of the same, as follows:*

"SECTION I. The Department of Public Works, subject to the approval of the Governor and Council, is authorized, on behalf of the Commonwealth to convey to the town of Provincetown a tract of land within the limits of the Province Lands at Provincetown, bounded and described as follows:

"Beginning at the southeast corner of the property at a point designated as bound K on the plan hereinafter mentioned, at the northerly sideline of the State Highway, Route Numbered 6, thence North 25° 8' West by the Easterly boundary of the Province Lands 2,950 feet, more or less, to point designated on said plan as Point 6; thence on a curve to the left having a radius of 5,640 feet for a distance of 5,515 feet, more or less, to a point shown on said plan as Point 5; thence South 44° 30' West 4,700 feet, more or less, to a point shown on said plan as Point 4; thence Southwesterly along the southerly sideline of the State Highway (Beach Road) 3,150 feet more or less, to Point 3 as shown on said plan; thence Southeasterly by the easterly sideline of said State Highway to a point shown on said plan as Point 11, on the boundary line of said Province Lands;







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thence North 34° 37' West by said boundary line to a point shown on said plan as Point 14; thence North 70° 19' East by said boundary line to a point shown on said plan as bound G; thence due North by said boundary line, 2,024.7 feet to a point shown as bound I on said plan; thence West by said boundary line, 3,014.7 feet to bound K at the point of beginning.

"The above described premises are a portion of Parcel 1 as shown on a plan entitled: 'Plan of Land Showing Proposed Revision of Boundaries Between Town of Provincetown, Commonwealth of Massachusetts and Proposed Cape Cod National Seashore Park, scale 1 inch equals 1,660 feet dated June 15, 1960 drawn by Commonwealth Corporation, Architects & Engineers, George C. Woods, Director of Engineering, Boston, Mass.

"There is expected however from the above described premises so much of the land therein used for State Highway purposes.

"SEC. II. The above described premises are conveyed subject to the restriction that:

"(a) The premises may be used for single family residences, public parks and public recreational areas exclusively.

"(b) The premises shall not be subdivided into lots for residential purposes of less than 30,000 square feet.

"SEC. III. The subdivision and sale of lots shall be under the control, judgment and discretion of a board composed of the Director of the Division of Waterways, Department of Public Works, the Chairman of the Board of Selectmen, of the Town of Provincetown and the Chairman of the Planning Board of said town. The board shall make rules and regulations relative to the use, subdivision and sale of the property.

"SEC. IV. Any money received from the sale of any lots, or parcels of property shall be equally divided, one-half of said money to be paid to the treasurer of the Commonwealth, the balance to be used by the board for actual costs and expenses of subdivision and sales and any amount remaining to be paid to the treasurer of the Town of Provincetown.

"SEC. V. This act shall take effect upon its passage."

RODOLPHE G. BESSETTE,  
*Director, Division of Waterways.*  
JOHN C. SNOW,  
*Chairman, Board of Selectmen.*  
J. R. HAM,  
*Chairman, Planning Board.*

Senator BIBLE. Is that the portion shown in red? <sup>1</sup>

Mr. SNOW. That is a part of the portion which is shown in red, Mr. Chairman, on the map.

Senator BIBLE. Would you point it out?

Mr. SNOW. That is the area beginning here at this line which is the Province Lands boundary and extending through the remainder of this red area out to where the black lines show.

Senator ALLOTT. May I ask a question here, Mr. Snow? What is the nature of the shoreline hook? I use the word "hook" and that is probably the wrong term to use. What is the nature of the shorelines bordering this area which you are interested in acquiring?

Mr. SNOW. The area which we are interested in acquiring does not touch the shoreline at all, Senator.

Senator ALLOTT. What is the nature of the shoreline further up?

Mr. SNOW. The shoreline which would be included in the park would begin at the tip end of Long Point around what we call the park beach. This is the harbor. We have old dwellings, shacks, artists' studios.

Senator ALLOTT. This is a little different from our map.

Mr. SNOW. This is the inhabited area of the town on Provincetown Harbor which would be the southerly part of the town.

<sup>1</sup> The portion referred to as "red" appears shaded on the map printed in this document.



We feel in my town, Mr. Chairman, that there is a great need, and I know there is overwhelming sentiment in favor of this national park, and we would not certainly want in any way to obstruct the progress of this program.

We feel that consideration should also be given to the reasonable requests made by the other communities in the area, and these have not been very quickly arrived at. We, as representatives of all of the towns, have sat down as sort of a large committee and have gone over the various areas in our respective towns, and the exclusions which the towns have requested were brought to the attention of the Senators and of Congressman Keith, our Representative, and we have tried to work these out as absolute minimum demands.

We feel that the entire lower cape is so closely knit economically, socially, and otherwise that none of the towns should be hurt by this great proposal, and we certainly support them in their reasonable requests.

Now, a statement was made by the executive secretary of the Cape Cod Chamber of Commerce before the House committee which I think should not stand on the record uncontradicted; that is, that we on the cape do not want to be host to the Nation. Cape Cod has traditionally through the years been a host to the Nation. We have a summer resort business, and we like to have visitors come in. We feel that the national park would be a great boon to this business.

We would like to go on record in favor of it with the exception of the reasonable requests which we have made as to the exclusion of the area which I pointed out.

Thank you very much, Mr. Chairman.

Senator BIBLE. Mr. Snow, may I ask a couple of questions?

Mr. SNOW. Certainly.

Senator BIBLE. The additional amount excluded in the Provincetown section embraces how many acres as distinguished from the full amount of red shown on the map? The map is not completely correct in that respect.

Mr. SNOW. According to the figures I have, Mr. Chairman, on the report of the commission, the area which we ask to be excluded is approximately 1,475 acres.

Senator BIBLE. Has part of that already been taken care of in the Saltonstall-Smith bill shown by the dotted lines?

Mr. SNOW. Yes, Mr. Chairman.

Senator BIBLE. How much additional are you asking over and above what is now included within the Saltonstall-Smith bill?

Mr. SNOW. I could not give the figures on that, Mr. Chairman, but perhaps I could show you on the map.

Senator BIBLE. It would be the red to the left of the dotted line, I assume?

Mr. SNOW. That is right. The Saltonstall-Smith bill will give us this area to the right of the dotted line.

We were looking for the area to the left of it but to this line and not including this triangular section at the easternmost end.

Senator BIBLE. Why do you need the land to the left as well as to the right? This is for Provincetown expansion, did you say?

Mr. SNOW. Yes, Mr. Chairman.

Senator BIBLE. What do you plan on putting there, houses?

Mr. SNOW. We plan to and the report of the Commission explains that it will be divided into lots in order so that it will be used for noncommercial residential purposes and only for individual one-single family residences.

Senator BIBLE. Why do you not have enough acreage within this area to the right of this dotted line which is now included within the Saltonstall-Smith bill to take care of that?

Mr. SNOW. To be absolutely frank with you, Mr. Chairman, perhaps we do. Perhaps we do but it is difficult to project into the future as to what the needs of the town will be and we feel that it is best to be safe on the outside rather than the inside, in all frankness.

Senator BIBLE. I wanted a frank answer.

In trying to work this out this morning, I think we made some headway in trying to evolve a bill that meets as many of these conflicting needs as is possible to do.

Mr. SNOW. May I say, Mr. Chairman, that I think that if the nations of the world could get together in the United Nations as ably and considerately as both of the Houses of the Congress did this morning as well as the Executive in going over this, I think that we would have a much safer world to live in.

Senator BIBLE. Thank you. I thought it was a pretty good session. I hope it finally ends out that way.

I have no further questions, Mr. SNOW. Thank you.

Senator ALLOTT. I ask this because, as you know, I had to be absent this morning for another hearing for a while. All of the red area adjacent to Provincetown as shown on this map to which we referred is now State land?

Mr. SNOW. All of the red area is not now State land, Senator. The triangular area here is privately owned at the present time and taxes are assessed by the town of Provincetown and they pay the taxes to the town. That was proposed to be taken for the Pilgrim Springs State Park but I think that, because of the national park proposal, that has been held in abeyance and the taking was never completed although I believe there was legislation authorizing it.

I do not know whether there was money appropriated or not. I know that no taking has been made and that is privately owned. The balance of this red area is now in the Province Lands under the control of the Commonwealth of Massachusetts.

Senator ALLOTT. I am not sure as to your terms. That would be owned, then, by the Commonwealth of Massachusetts?

Mr. SNOW. Yes, State-owned land.

Senator ALLOTT. If I may ask just one other question, in response to a question a while ago, you made the remark that Provincetown was very closely packed in there. If this land is necessary for the growth of Provincetown why is it that, over the course of the years rather than to pack in there as they have, steps have not been taken by the town of Provincetown to expand into the public lands of the Commonwealth of Massachusetts?

Mr. SNOW. Steps were initiated. This has been discussed by official bodies of the town over a period of at least 20 years that I am aware of, Senator, and the problem has become much more acute though, because in 1948 or 1949 I believe, we first adopted a zoning bylaw in the town.



Prior to that, these families owning homes along the waterfront and in the settled area of the town as their children grew up married, and began to have families of their own, would build, because of the unavailability of land, at a reasonable price.

There are large tracts which have been privately owned, held for speculation or just as an investment perhaps, over a long period of time, and it is very difficult to buy a section of that land that would be suitable for dwelling purposes, so that these children growing up would build in the backyard of the father or mother, of their parents or some relative very often, and there would be a subdivision and many of the homes there are little more than 10 or 20 feet apart.

Senator ALLOTT. You gave the figure of 3,000-plus population of the town. What would that increase to in the summertime?

Mr. SNOW. I would estimate roughly at least 20,000 persons there during any given period during the summer months. The season there usually begins around the middle or last part of June and extends through Labor Day, sometimes to about the middle of September, and at that time many of these homes rent rooms. There are many cottages, apartments, studios, and the like, and they are all occupied.

Senator ALLOTT. Thank you very much.

Senator BIBLE. Thank you very much, Mr. Snow. You have been helpful to the committee.

Mr. SNOW. Thank you, Mr. Chairman.

Senator BIBLE. Our next witness is Mr. Duarte of the Planning Board of Truro, Mass.

Mr. Duarte?

#### **STATEMENT OF ANTONE DUARTE, JR., CHAIRMAN, PLANNING BOARD, TOWN OF TRURO, MASS.**

Mr. DUARTE. Mr. Chairman, members of the committee, my name is Antone Duarte, Jr. I live in the town of Truro. I am a member of the Truro Planning Board and designated by the town of Truro and the Truro selectmen to represent the town at this hearing.

Senator BIBLE. How many acres does the town of Truro embrace?

Mr. DUARTE. It comprises about 13,000 acres. It is about 10 miles long. It has about a thousand people year round and approximately 4,000 to 5,000 in the summer.

Senator BIBLE. Thank you.

Mr. DUARTE. On December 9, 1959, I issued a lengthy statement at the Senate hearing at Eastham and Senator Moss was presiding at that time and I would like to have that included.

Senator BIBLE. Since that record has been printed and is readily available, your statement will be included in this hearing record by reference.

Mr. DUARTE. I would like to touch briefly on my present statement at the present time, but would like it all printed.

Senator BIBLE. Your statement will be incorporated in full at this point and you may highlight it in any manner you desire.

(The statement follows:)



STATEMENT OF ANTONE DUARTE, JR., CHAIRMAN OF THE TOWN OF TRURO (MASS.)  
PLANNING BOARD

Mr. Chairman and members of the committee, my name is Antone Duarte, Jr. I live in the town of Truro, Mass. I am the chairman of the Truro Planning Board, an elective board of the town of Truro. I have been designated by the planning board and the selectmen as the official representative of the town and to present the case of the town to your committee.

I shall attempt to present a case consistent with the wishes of the majority of the voters of the town of Truro, while keeping in mind the rights and wishes of minority groups.

On December 9, 1959, I issued a lengthy statement for the town of Truro Proposed National Park Committee at the Senate subcommittee hearing at Eastham, Mass., which was conducted by Senator Frank Moss. Since that statement is a part of the congressional record, I shall not make a time-consuming repetition of the facts involved.

Since the Eastham hearings, the officials of the town of Truro have had meetings with our Representative, Hastings Keith, and have arrived at the maximum area that any national seashore park in the town of Truro could comprise without reducing the town to a point where its ability to survive as a township would be endangered.

We previously requested that four areas be omitted from the park as proposed by S. 2636. The four areas were designated as the Highland area, the Longnook area, the Pamet area, and the Ryder Beach area. We are grateful that S. 857 has favored us by omitting the Ryder Beach area from within the boundaries of the proposed park. But, it is necessary that the other three areas be omitted also. These areas are mostly residential and contain a large percentage of the improved property within the proposed park. I have referred to these areas in my above-mentioned report to the Senate subcommittee, but I will bring it up to date briefly:

*The Highland area*

Contains 300 acres of land.

There are 63 owners of 76 buildings.

The total assessed value of buildings is-----	\$216, 230
The market value of the buildings is-----	721, 000
The market value of the land, 300 acres, at \$1,000-----	300, 000

Total value, buildings and land-----	1, 021, 000
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*The Longnook area*

Contains 190 acres of land.

There are 29 owners of 41 buildings.

The total assessed value of buildings is-----	\$134, 400
The market value of the buildings is-----	338, 000
The market value of the land, 190 acres, at \$1,200-----	227, 000

Total value of buildings and land-----	565, 000
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*The Pamet area*

Contains 300 acres of land.

There are 85 owners of 104 buildings.

The total assessed value of the buildings is-----	\$297, 500
The market value of the buildings is-----	991, 665
The market value of the land, 300 acres, at \$2,000-----	600, 000

Total value of buildings and land-----	1, 591, 665
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*Grand totals of 3 areas*

790 acres of land.

177 owners of 220 buildings.

Total assessed value of buildings-----	\$648, 130
Total market value of buildings-----	2, 050, 665
Total market value of land-----	1, 127, 000

Total value of buildings and land-----	3, 177, 665
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NOTE.—In 1960 the total assessed value of the town of Truro was \$4,219,934. Taxes assessed on real estate in 1960—\$167,466.30.

The three above areas are considered the minimum amount that can be removed from the proposed park so that the town can still survive as a township. Representative Keith is in accord with this proposal as he has pledged his support to the town as its Representative in Congress. I request that your committee give serious consideration to the above three areas. I am not here to present evidence to destroy the park, or otherwise hamper it. I am here as a representative of a town, asking for consideration so that it may continue to exist and to carry on as it has done since its incorporation in 1709.

I hereby propose the following amendment to the bills in question, relative to the boundary lines of the park:

Delete all lines between line 7 of page 4 and line 21 of page 4 (S. S57) and substitute the following:

"thence along the northerly right-of-way line of U.S. Route 6 in a generally easterly direction crossing the Truro-Provincetown town line to and continuing in the town of Truro to a point 300 feet northerly from the northerly right-of-way line of Highland Road;

"thence easterly paralleling the general alinement of Highland Road and 300 feet distant northerly therefrom to a point 300 feet westerly of the westerly right-of-way line of Coast Guard Road;

"thence northerly, northeasterly and easterly paralleling the general alinement of Coast Guard Road and 300 feet distant westerly therefrom to a point on the top of the ocean bank;

"thence southerly along the top of the ocean bank to a point thereon which is 300 feet distant southerly from the general southerly alinement of Highland Road extended;

"thence westerly along a line 300 feet southerly from and paralleling the general alinement of Highland Road to a point 300 feet westerly of the westerly right-of-way line of South Highland Road;

"thence northerly and westerly paralleling the general alinement of South Highland and Highland Roads 300 feet distant southerly therefrom to a point on the easterly right-of-way line of said Route 6;

"thence turning and running southeasterly by the easterly right-of-way line of Route 6 to a point four-tenths of a mile southeasterly of the southerly right-of-way line of Highland Road thence easterly two-tenths of a mile to a point;

"thence turning and running in a southeasterly direction paralleling the general alinement of U.S. Route 6 and generally distant therefrom two-tenths of a mile to a point 300 feet northerly of the northerly right-of-way line of Long Nook Road;

"thence running easterly paralleling the general northerly alinement of Long Nook Road and 300 feet distant northerly therefrom to a point on the top of the ocean bank;

"thence southerly along the top of the ocean bank to a point which is 300 feet south of the southerly right-of-way line of Long Nook Road;

"thence westerly paralleling the general alinement of the southerly right-of-way line of Long Nook Road and 300 feet distant southerly therefrom, 4,000 feet to a point;

"thence due south crossing Higgins Hollow Road to a point 300 feet south of the southerly right-of-way line of Higgins Hollow Road;

"thence in a general westerly direction paralleling the general southerly alinement of Higgins Hollow Road and 300 feet distant southerly therefrom to a point two-tenths of a mile east of the easterly right-of-way line of said Route 6;

"thence turning and running in a southeasterly direction paralleling the general alinement of said Route 6 and distant easterly therefrom two-tenths of a mile to a point 300 feet north of the northerly right-of-way line of North Pamet Road;

"thence in a generally easterly direction paralleling the general alinement of North Pamet Road and 300 feet distant northerly therefrom a point on the top of the ocean bank;

"thence southerly along the top of the ocean bank to a point 300 feet south of Pamet Town Landing;

"thence westerly to a point 300 feet east of the easterly right-of-way line of South Pamet Road;

"thence in a southerly and westerly direction paralleling the general alinement of South Pamet Road and 300 feet distant southerly therefrom to a point



two-tenths of a mile east of the easterly right-of-way line of said Route 6; (There is included in the foregoing description so much of the marsh bordering Pamet River as lies below 3 feet above mean high water line as shown on U.S. Geological Survey North Truro quadrangle sheet (1948) and Wellfleet quadrangle sheet (1958) as lies east of said Route 6 said marsh to be included in the Park Boundaries.)

"thence turning and running in a southeasterly direction paralleling the general alinement of said Route 6 and distant easterly therefrom two-tenths of a mile to a point three-tenths of a mile south of South Pamet Road."

It is understood that the argument against this proposal for boundary changes is that it breaks the continuity of the park. It should be noted that the continuity is already broken at each of the areas in question, by a town road, a town-owned parking area, and a town-owned beach. These could not be taken over without a vote of the town, which might be difficult to obtain unless some concessions were made to the town.

The National Seashore Park proposal has contributed to considerable unrest in the town of Truro during the past 5 years. The following are some of the problems which are disturbing to our taxpayers:

1. What zoning requirements must be met before a resident can be assured that he can continue to live in his home for the remaining years of his life. The town officials can give no answer to this question because they have tried without success to find out what the Secretary of the Interior will require. The town now has a zoning code but it has no assurance that it will be acceptable. The zoning requirements of the Secretary of the Interior should be made known to Congress and to the towns before final action is taken on this bill.

2. How will payments in lieu of taxes be made? The expenses of the town of Truro have been increasing at the approximate rate of 10 percent per year over the last 10 years. The economy of the town is dependent upon an increasing amount of tax revenue each year. This increasing tax revenue is the result of increased construction within the town. When part of the taxable property (25 to 30 percent) is taken away and when 70 percent of the land is no longer available for expansion, then the town of Truro will need considerable financial assistance. Before final action is taken on this bill, a careful study should be made regarding adequate payments in lieu of taxes.

3. What will be the status of the town of Truro owned beaches within the proposed park? The town of Truro owns four beaches and parking areas within the proposed park. The town has spent many thousands of dollars in recent years acquiring and improving the parking areas. Will the town be reimbursed for this recent expense? If not, the town should be in a position to anticipate favorable payments in lieu of taxes.

4. Will the National Park Service stress conservation or recreation? The voters of the town of Truro have shown by their acceptance of the present zoning code that they do not favor unlimited exploitation of the town for honky-tonk business enterprises. Out of 20 miles of frontage on U.S. Route 6 in Truro, business is allowed on only 1 mile. The balance is reserved for residential use. The zoning code prohibits any additional tenting and trailer parks within the town of Truro. The town is now limited to the present three tenting areas and one trailer park. There is a great concern as to the extent of tenting that the park will bring into the area. The town would like to see the areas defined as to size and location before final action is taken on this bill.

#### CONCLUSION

The voters and officials of the town of Truro are in sympathy with the residents and officials of the other five towns involved in the proposed park. We trust that their proposals and suggestions will receive your kindest consideration. Thank you for this opportunity of coming before you to present these suggestions from the town of Truro, Mass.

Mr. DUARTE. The town of Truro has requested 4 areas to be omitted from this park. We had the support of our Representative, Mr. Keith, on our proposal.

Senator BIBLE. Those are four red areas coming up around the cape. You might point them out.

Mr. DUARTE. These three plus this one.



Senator BIBLE. The last one, I understand, has already been excluded, is that correct?

Mr. DUARTE. The present Senate bill excludes the last one so that we are going to be speaking of just the other three.

Senator BIBLE. All right. Very well.

Senator ALLOTT. Mr. Duarte, in order that we can identify this, these three areas about which you are speaking come within the classification of which Mr. Wirth spoke when he talked about cutting the park in two; is that correct?

Mr. DUARTE. That is correct.

Senator ALLOTT. Thank you.

Mr. DUARTE. It is very unfortunate but that seems to be the way they built the town long before my time.

These are valleys and the population has moved into these valleys and built their homes there over the years and these are the three most thickly settled portions of the town of Truro.

As you can see by that line, the proposed national park takes 70 percent of the available lands in the town of Truro. We stand to lose by the original proposal 70 percent of the land, over 9,000 acres out of a total of 13,000 acres.

The area that the present bill gives back to us contains approximately 300 acres of land. These three areas that I have marked out represent roughly 700 to 800 acres of land, less than 10 percent of the original proposal. In this 10 percent of the original proposal there is approximately 30 percent of the assessed valuation of the town of Truro.

Senator ALLOTT. Did you say 30 percent?

Mr. DUARTE. Thirty percent of all of the taxes of Truro are in this 10 percent that we speak of.

Senator BIBLE. You show here 220 buildings. Do I read this correctly? You gave a grand total in the three areas of 790 acres of land, 177 owners and 220 buildings.

How many buildings do you have in Truro?

Mr. DUARTE. Probably 700.

Senator BIBLE. It is about a third of it.

Mr. DUARTE. It is about a third of the tax. That is right.

Senator BIBLE. I see. Very well.

Mr. DUARTE. I can also say that some of the finest homes in town are in that area. Two of those areas are zoned as residential areas. The area to the left, the highland area, is zoned as a limited business area because in that area there are now hotels and cottage colonies and motels and the limited business zoning in Truro allows only that type of thing to continue.

Senator BIBLE. These descriptions which you offer in your prepared statement simply exclude these areas from the seashore park.

Mr. DUARTE. The amendment that I propose takes those three areas out of the park.

Senator BIBLE. Very well.

Mr. DUARTE. They are spelled out in my brief.

We understand in the town of Truro that the biggest argument that we have against our proposal is that we are cutting the continuity of the park. The town now owns a beach and a fairly large parking area and a road into each of those areas. It is our understanding

that, unless we want to vote it away from the town, we will always have a right to retain that, thereby breaking the continuity.

I believe the continuity will be broken anyway by the present proposal which says that every one of those people can remain on 3 acres as long as they wish. They can sell it. They can do whatever they want but they cannot build on it.

I think that when the final map is made, regardless of whether we are granted our wish or not, it will look just about like that. Those areas have homes on them so close together that by giving each one 3 acres we are still going to break the continuity of the park.

Senator BIBLE. What you are saying is that there are enough homes in private ownership along the width of the cape that they would just run one next to each other and they would all be in private ownership. Is that what you are saying?

Mr. DUARTE. In these areas, yes.

Senator BIBLE. You make one statement that interests me. You are saying just what you have completed saying now and then you say:

These could not be taken over without a vote of the town, which might be difficult to obtain unless some concessions were made to the town.

What does that clause mean: "unless some concessions were made to the town"?

Mr. DUARTE. I feel that we have voters in the town of Truro, in fact at every public meeting that we have had in the last 3 years the topic of conversation seems to come around to this proposed national park. We have had official votes taken in town meetings and it seems that every time we take a vote on any proposal we come up with about 80 percent to 85 percent of the people being against the taking of this property for a national seashore.

Senator BIBLE. I am not directing my question to that point. When you say it would be difficult to obtain unless concessions were made, what concessions do you mean?

Mr. DUARTE. We mean it would be difficult without the exclusions of these areas.

Senator BIBLE. The concessions are the exclusions?

Mr. DUARTE. We feel that unless something can be done in the way of these exclusions that the town as it now stands may not survive.

We have an economy in the town of Truro that is geared to an increasing amount of tax revenue each year. We are a growing community. Naturally, our government expenses are higher. The government expense of the town of Truro has increased at the rate of about 10 percent a year over the last 10 years.

We are able to maintain an even tax rate by having people come into our area and buy homes and build homes and increase our tax revenue each year enough to offset our increase expenses.

When we get to the point where we will not be able to provide these people with a place to build a home and provide our town with additional revenue to offset our additional expenses, we are going to start going backward, and we think we may be in trouble in a few years to come.

We have two or three other things that I would like to speak about. One is the matter of zoning requirements. That has disturbed the residents of our town. I guess we have been trying for 25 or 30 years



to get zoning through our town and I think the proposal of the National Park helped us because we were able to get it immediately after this proposal was known. We enacted a zoning code in February of 1960, about a year ago.

At that time we tried to find out from our Representative and our Senators, from the Department of the Interior, what zoning requirements might be required by the Secretary of the Interior. We would have liked to have incorporated this into our zoning code.

According to the Massachusetts law, a majority vote can enact a zoning code but it takes a two-thirds vote to change it once it is in, and we would have liked to have enacted a code that would have met with the approval of the Secretary of the Interior.

We were not able to obtain that information at that time, a year ago.

We feel a great deal of the success of this whole program depends on what his zoning requirements might be and it is the wish of the voters of the town of Truro that these zoning requirements be made known to them and I think they should be made known to your committee before we enact a law which places 70 percent of the town under certain zoning requirements when they are not made known.

We are also very much interested in the section regarding payments in lieu of taxes. As I said before, we are going to lose 70 percent of our available land and a third of our available tax revenue.

We would like a study made and very careful consideration given to payments in lieu of taxes over a fairly long period of years.

We are also very much concerned about the use of our land, whether it will be for conservation or recreation. We have noted in recent years that there is a great tendency toward tenting and we have been careful in the zoning of our town to exclude further tenting areas. We already have three and our zoning regulations prohibit any further tenting grounds within the town of Truro.

Senator ALLOTT. May I interrupt you there, sir? You stated a moment ago that you felt that you were going to lose a third of your revenue. I would like to have you tell me, if you will, on what basis you make this assumption?

Let me point out before you answer that the people within the town have the privilege under the bill of retention and I cannot quite see how this would occur.

If my decimal points are correct, you now have a levy of something like 52 mills: is that correct?

Mr. DUARTE. Our tax rate is about 35 now.

Senator ALLOTT. You say in your statement:

In 1960 the total assessed value of the town of Truro was \$4,219,934. Taxes assessed on real estate in 1960 were \$167,466.

If you divide those two, unless my figures are wrong, you get something like 52 mills.

Mr. DUARTE. There is other money available to the town that is not raised through direct taxation.

Senator ALLOTT. What is that money?

Mr. DUARTE. We have rebates coming back from the State. We have State income tax.



Senator ALLOTT. You say "Texas assessed on real estate—\$167 million." The assessed value is this much and if my arithmetic is correct, and heavens knows I will not vouch for that, it would come out something in the neighborhood of 50-some-odd mills. What I am really interested in is how do you feel under this bill that you are going to lose your tax base?

Mr. DUARTE. Well, I am sure that the bill provides that people may remain there and pay their taxes. I will grant that. That, of course, would help out the situation. I doubt that this would happen immediately in the first year. It might take quite a few years before that would happen. We still do not know whether the people are going to want to stay there. We still do not know what the requirements are going to be on us if we do remain in the area.

Senator ALLOTT. Do you really feel in your own mind that this is going to cause anybody that you know of in your town to move out?

Mr. DUARTE. That is a difficult question.

Senator ALLOTT. But you are projecting your figures on the other assumption and I am asking if the other side of the coin is not just as valid.

Mr. DUARTE. I think probably I can see the way but I would expect some people to want to sell their property and move out. How many of them, I would not know.

Senator ALLOTT. Is it not just as fair to assume that those who wanted to sell their property and move out would be replaced by those who were anxious to get in?

Mr. DUARTE. We do not know the conditions that are going to be imposed on us, sir.

Senator ALLOTT. I cannot see, for example, that anyone within the town, if the place has charm, which I am sure it has and wonderful living conditions, would take this 25-year situation instead of availing themselves of the exceptions within the incorporated town and retain it. I would think that they would retain it.

Mr. DUARTE. I think that many of them would.

Senator ALLOTT. If something happened they would still have a sale and the sale would bring in someone else who would replace them but it does not involve a tax displacement, as near as I can see. Maybe I am missing something.

If you have a point, I would like for you to give it.

Mr. DUARTE. I think that your reasoning would be correct if everyone decided to stay within the park and pay taxes. We are still losing the potential of the new buildings that might be put in that area. There would be no new building in that area from that time on.

Senator BIBLE. Have you further questions?

Senator ALLOTT. That might be true but just as a matter of practical business, no man is going to take a lesser estate in his land by his own selection than the maximum that he can take.

Now, we are all human beings and I take it for granted that no human being is going to take a lesser estate by his own wish there than he could. Therefore, the estate would be passed on and it would still be a part of your taxable base. This is the way it occurs to me.

I would be glad to be corrected or have this view criticized if you have some thoughts on it.

Mr. DUARTE. I will agree that if they decide to stay and decide to pay taxes that the tax base would remain the same for that period of time.

Senator ALLOTT. Thank you very much, sir.

Senator BIBLE. Did you have any further thoughts, sir?

Mr. DUARTE. I think that is all. Thank you, sir.

Senator BIBLE. Thank you very much, Mr. Duarte. We are very pleased to have your testimony.

Our next witness is Mr. Hurd of the Board of Selectmen of Eastham, Mass.

We are glad to have you with us, Mr. Hurd.

### STATEMENT OF PRINCE HURD, BOARD OF SELECTMEN, EASTHAM, MASS.

Mr. HURD. Thank you, sir.

Mr. Chairman, my name is Prince Hurd. I am a member of the Board of Selectmen of the Town of Eastham, and I am a practicing attorney in the town of Eastham and maintain an office in Orleans, both of which towns are depicted on the map under discussion.

Like my two immediate predecessors who gave testimony, I have given testimony at all prior hearings and filed briefs. I would like for those records to be incorporated at this time.

Senator BIBLE. It is understood that they too will be incorporated by reference.

Mr. HURD. Thank you, sir.

I have filed a brief today. I shall not read from it but I shall refer to it periodically.

(The brief follows:)

#### STATEMENT OF THE BOARD OF SELECTMEN, TOWN OF EASTHAM, ON CAPE COD NATIONAL SEASHORE

This prepared statement is based largely on the previous statements of the board of selectmen at the previous hearings on the proposed Cape Cod National Seashore Park; they are a part of the record, and the committee's attention is directed to those statements for the position of the town of Eastham, as expressed by the board of selectmen. No undue repetition will be presented herein, for our position on the question of tax reimbursements to the towns involved plus the necessity of adequate appropriations and the requirement on the Secretary of the Interior to negotiate with private property owners, who in good faith seek to negotiate the sale of their land to the Secretary, has been previously presented, and we wish it to be incorporated herein by reference.

Hence, this statement will confine itself to the boundaries of the park within the town of Eastham.

Beginning with the hearings on the Cape Cod National Seashore held at Eastham, Mass., on December 9 and 10, 1959, S. 2636, 86th Congress, our board presented the suggestion that a residential buffer zone between the town proper and the park would, to a large extent, resolve the problem which the effect of the establishment of such a park would have on the town of Eastham. This suggestion was based on statistics of the growth expected in the town of Eastham resulting from a normal growth coupled with the acceleration thereof predicated on the establishment of the park. The statistics were obtained from the Blair Associates report, an independent economic survey authorized by the voters of the town of Eastham, and was made a part of the record of the hearings on S. 2636, 86th Congress, held at Eastham, Mass., on December 9 and 10, 1959, and the report of the Economic Development Associates, Inc., for the National Park Service and made a part of the record of the hearings on S. 2636, 86th Congress, held at Washington, D.C., on June 21, 1960, point to the fact that



if this park as proposed under H.R. 989, 87th Congress, is established, that in the year 1975, the town of Eastham will have reached its saturation point. Thereafter, no room for expansion will be available, and a stagnation will set in with the resulting downgrading of the town. We foresee, then, that the pressures to commercialize the town will ultimately result in its being a watering place for the visitors to the Cape Cod National Seashore Park. Whereas, traditionally, Eastham has been a residential town. To lose this legacy is too high a price to pay for a national park that would destroy two-thirds of a town, while attempting to preserve through recreational uses one-third of it.

And quite possibly, the mediocrity that is made of the town of Eastham would tend to be reflected in the adjoining park, causing both to suffer.

Hence, the suggestion has been consistently made that a residential buffer area, dedicated to high-class residential purposes, under a suitable zoning by-law would answer the problem by providing an excellent transition from the town proper to the park proper for the park visitors. We confidently foresee that the integrity of both the park and the town could coexist in peaceful harmony under such a solution.

Further, the proposal of our board, despite the pressures to exclude certain areas, was cognizant of the needs of the park legislation to have a continuous land area in the town. Thus, no enclaves or islands were suggested to be excluded under the buffer area suggestion.

The latest bill filed in the Senate, S. 857, 87th Congress, has adopted, to a point, the buffer area proposal of the town of Eastham. It has excluded a certain portion of the land in North Eastham suggested under the town's proposal. It failed, however, to exclude certain under upland in the center of the town that the board suggested.

Thus, we are offering a suggested amendment to the bills under consideration by this committee, dealing solely with the boundary of the proposed national park in the town of Eastham. For a description of this suggested boundary line amendment, see the appendix to this statement. This suggested boundary line is further shown on the map depicting this suggested amendment and presented at the March 1961 hearings on the bill.

This suggested amendment recognizes the need of compromise on the part of all persons interested in a national seashore park on Cape Cod, whether such persons favor the proposal or are unqualifiedly opposed to it.

Our board is willing to accept the boundary as suggested by Senators Saltonstall and Smith in North Eastham, Mass. (See S. 857, 87th Cong.) But we think that it is only fair that they keep an open mind with reference to this suggested amendment as it relates to the center of the town, and the town's basic need for its exclusion.

The boundary line that they have drawn for North Eastham is cognizant of the future residential needs of the town. Now, may we present the most important needs of the town in that respect.

But, the most vital need of the town in the years to come, based upon its past history, is one area, suitable solely for high-class residential use. The bills under consideration leave our town without that area. Consequently, our board urges this additional area in the center of our town be deleted from the final bill. Otherwise, Eastham will be left without one such area.

Significantly, the board speaks only of upland, for the shore and marshland on the ocean side of the town of Eastham is quite properly an area to be included in a national seashore proposal.

It is worth noting that the original proposal of the National Park Service did not include the upland being discussed at this point. It was subsequently added, not by the National Park Service, but by the draftsmen of this bill, and for what reason, and at whose request, no satisfactory explanation has ever been given.

We are not asking to retain this property in private ownership so as to deprive the Nations' citizenry of access to a portion of our shoreline. The 10-foot contour line as offered in our suggested amendment is above the mean high water mark, so that guarantees are given to assure the absolute right to enjoy, for all time, the beauty and charm of all our marshes and shores.

As a matter of fact, in 1960, the town of Eastham improved Hemenway Road and enlarged the parking area at its shore terminus so as to encourage greater use of the marshland by the public.



This upland area, though, contains nothing unique in the way of flora, fauna, or glacial lakes and ponds to make it essential to park purposes as evidenced by the National Park Service's failure to include it in the original proposal.

Quite legitimately, it can be asked why this particular area is so essential to the integral quality of the town of Eastham. The answer lies in the fact that in Eastham, in the past 10 years, highly residential land values have been determined by their proximity to the Atlantic Ocean.

The upland bordering our town cove and Cape Cod Bay has already been utilized to maximum limits, while the upland on Nauset Marsh and the Atlantic Ocean has not been available to any great residential use by retention in private ownership. However, within the last 6 years this has changed under increasing land values. For example an excellent subdivision was made bordering Nauset Marsh and we have enjoyed the construction of several homes there which exceed \$25,000 each in value. Prior to this, no residential homes had been built, representing that value in today's market, for over 30 years. Every town should have such an area for its well-being, and this land we seek to have excluded from the boundaries of the national seashore on Cape Cod represents the only area of its kind available in the town of Eastham. Without it, we foresee a complete downgrading of the town.

It is further worth noting that this area we wish to have excluded from the boundaries of the national seashore park contains but some 160 acres, to say nothing of the development that it already sustains. It is, then, a minute area in terms of acres as compared to the total acreage comprising the proposed park. But, to the town of Eastham, it holds its destiny as to whether it will be a fine or mediocre town.

We concede that all remaining frontage in the town of Eastham on Nauset Marsh and the Atlantic Ocean properly belongs within the boundaries of the Cape Cod National Park. But, must the park deprive us of this small land area which unquestionably means so much to the future of the town of Eastham?

The subdivision referred to above falls within the park boundaries. But we recognize the use that land area has to the park purposes as compared to the area under discussion. We feel that it is obvious that the boundaries as described in the pending legislation deprives the town of Eastham of its single remaining area which would one day classify it as a fine town. We must retain this area to remain consistent in the future with our history as a fine residential town.

It is also a fact that the area under consideration in the center of the town of Eastham is quite well developed at this time with fine homes, well above the average. Hence its land values are already such that homes of medium to low quantity and size are discouraged. It is an area that will stand out in what now is and we hope, with your assistance, to keep a fine town.

Further, this area stands physically removed from the future park area at Salt Pond extending east to and along the Atlantic Ocean. Salt Pond River creates a natural barrier plus the 500-foot depth of the park from Route 6 separates this area from normal park use. This, together with its present development, means the use of this upland for park purposes is substantially eliminated: whereas its shore frontage, by our complete willingness to use the 10-foot contour line is made available to the public.

Further, the tax revenue that would come to the town by the construction of valuable and fine homes in this area would largely do away with Eastham's need for tax reimbursement by the Federal Government pursuant to acquisition of land for park purposes in the original National Park Service proposal.

Also, the planning board of the town of Eastham is studying recent enabling legislation by the Massachusetts Legislature authorizing towns to create historic site zones. Such a bylaw adopted by the town would authorize the control of the architecture of private residences. To apply such a bylaw to the areas we humbly ask deleted from the legislation before the committee would further insure for all time, a protection to the national seashore park within the town of Eastham.

Again, your attention is directed to the Blair Associates report referred to above. This independent survey found that the land remaining outside of the proposed legislation is an "established area of medium quality year-round homes and rental cabins and cottages on comparatively small lots \* \* \* The other area of a distinctive residential character lies to the east of the railroad (within the park) and has predominantly good quality homes and cottages on large lots \* \* \*". The report goes on to say "while some commercial benefits may be

derived by the town from the existence of the national park, the residential legacy of past development in the remaining area is not conducive to the future development of substantially better quality housing among it. The result might be that Eastham would develop as a residential community of mediocre quality. The town today as a whole is certainly not that, and any reduction of the proposed park area which recognizes the need for retaining some of the good quality housing areas will go toward achieving that balance of housing quality which is essential to the future physical and esthetic character of the town of Eastham."

The report then suggested areas which might well be deleted in order to retain this character of the town. Please note, however, that while the areas suggested coincided with the suggested amendment of the board of selectmen, our suggestion encompasses even less land than suggested by the report.

I would like to add once more that this report was conducted by an independent professional group and it is submitted that the town of Eastham's suggested amendments to the boundary of the park is not the work of real estate speculators seeking merely to prostitute the purposes of this proposed Cape Cod National Seashore Park for personal gain. Our suggestion stems from a recognition of the needs of both the town and the proposed National Seashore Park, if both are to be effective.

In conclusion, then, we urge your studied consideration of this suggested amendment dealing with the boundary line of the proposed Cape Cod National Seashore Park which would preserve the purposes of the park, and at the same time retain the integrity of the town of Eastham as we know it and want so much for it to continue.

#### SUGGESTED AMENDMENT TO SECTION 1 DEALING WITH CHANGES IN THE BOUNDARY WITHIN THE TOWN OF EASTHAM

"thence in a general southerly direction along the said easterly right-of-way line of a power transmission line to the Eastham-Wellfleet town line;

"thence southeasterly for a distance of approximately 5,200 feet to a point due north of the intersection of the easterly right-of-way line of Nauset Road with the northerly right-of-way line of Cable Road;

"thence due south to the intersection of the said easterly right-of-way line of Nauset Road and the said northerly right-of-way line of Cable Road;

"thence in a general southerly direction crossing Cable Road and along said easterly right-of-way line of Nauset Road to a point 500 feet north of the northerly right-of-way line of Doane Road and its intersection with Nauset Road;

"thence west to a point 500 feet west of the westerly right-of-way line of Nauset Road;

"thence southerly and westerly 500 feet from and parallel to the said right-of-way line of Nauset Road to the easterly right-of-way line of Salt Pond Road;

"thence southerly along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

"thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

"thence southerly along the easterly right-of-way line of said Route 6 a distance of about four-tenths of a mile to the northerly boundary of the Eastham Town Hall property;

"thence east by the line of the said Town Hall property extended to the 10-foot contour line bordering Salt Pond Bay as shown on U.S. Geological Survey Orleans quadrangle sheet (1946);

"thence turning and running in a general southerly, easterly, northeasterly, southerly and southwesterly direction by the 10-foot contour line to a point due north of the confluence of a small stream approximately one-tenth of a mile beyond Governor Prentice Road extended, and Nauset Harbor;

"thence southeasterly to Orleans-Eastham town line;

"thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

"thence generally southeasterly in the town of Orleans \* \* \*.

Mr. HURD. The town of Eastham is not going to give testimony at this time with reference to the provisions in the bill such as advisory commissions, tax reimbursement, and so forth.

Our statement is in the record and we will stand on that.



We are down here today to testify before this committee with reference to the boundaries.

Senator BIBLE. I wonder if, in order to orient us a little better, you would point out Eastham on the map as the others have. It is very helpful.

Mr. HURD. The town of Eastham extends from the north. This would be its northerly boundary. It extends to this point here and out toward the Atlantic Ocean.

Senator BIBLE. You are directing your testimony to the red exclusions?

Mr. HURD. Yes, sir.

Senator BIBLE. There are considerable of those red exclusions which have been already excluded; correct?

Mr. HURD. Yes, sir. I have brought with me a map of our town which I would like at the conclusion of my testimony to be entered in the file of the committee.

Senator BIBLE. It would be very helpful to the committee.

Mr. HURD. I think this will show you much easier than this map later on when you are discussing the town of Eastham.

Senator BIBLE. Very well.

How many people do you have year round in Eastham?

Mr. HURD. The town of Eastham has 1,189 year-round residents, sir.

Senator BIBLE. It would run around three and a half times that in the summer months?

Mr. HURD. Three and a half to four times, yes.

Senator BIBLE. Very well. Thank you.

Mr. HURD. The town of Eastham throughout the course of the proposal of the Cape Cod National Seashore has recommended and strongly urged that certain boundary revisions be made on the basis of a residential buffer zone.

It would be an area which would be dedicated to highly residential purposes and be this buffer between the town proper and the park.

At the past hearings, our town proposed that this area, the entire red area shown here, be considered as this residential buffer area for boundary amendments.

The bill that you have before you has excluded a portion of that area in North Eastham and in the spirit of compromise and fairplay the town of Eastham is willing to accept the boundaries as written by the Saltonstall-Smith bill.

The point we are down here today on is that area in the center of town which was referred to this morning by Congressman Keith as comprising some 160 acres.

Senator BIBLE. Is that the red to our right?

Mr. HURD. It is in actual amount the portion of this.

Senator BIBLE. You are even willing to concede that part of that should go into the national park?

Mr. HURD. Yes, sir.

Senator BIBLE. We have made progress then.

Mr. HURD. I will get along with that very shortly to explain just what we mean.

Senator BIBLE. What you are saying is that as far as the town of Eastham is concerned, the only exclusion you are now asking for is a part of the red exclusion shown to the right?



Mr. HURD. Yes; as to North Eastham, sir, we accept the smaller exclusion that the bill offers.

We now are here discussing this area in the center of town which is smaller still than we originally suggested and asked for at prior hearings.

Senator BIBLE. How much area are we now talking about, by way of exclusion?

Mr. HURD. Slightly over 158 acres, rounding it to 160 acres of upland.

Senator BIBLE. Why should this be excluded?

Mr. HURD. In the first place, this particular area of upland as well as marshland was not included in the original Park Service proposal.

When the Keith-Kennedy-Saltonstall bill was filed in 1959, this area was found to be included. We have always questioned why, and we have always considered that it was not rightfully in there for the reason that it is physically removed from the park in the town of Eastham.

In the north there is a river which removes it from that area along the bay and the Atlantic Ocean.

On the west, it is separated from route 6, which will be the main route for visitors to reach the entrance of this national seashore, the main entrance we presume to be in Eastham.

It is separated from route 6 by one-tenth of a mile setback.

It is separated on the south by a creek.

So in actuality it is not a contiguous part of the overall national seashore plan.

There are other factors, too, that go into this which are equally important.

Now, during the past few years, the town of Eastham has developed considerably in the westerly portion. On Cape Cod, land values are determined by the proximity to salt water. That is the only thing we have to offer, really, our beaches.

On the Cape Cod Bay side, it would be safe to say that the land use is some 85 percent.

On the town cove, a body of water south of the proposed area, some 98 percent of the land has been used by residential development.

We recognized in arriving at what boundary revisions we must make, and what offers, and to keep the continuity of the park, we realize in the town of Eastham that a salt pond, which we expect will be the main entrance to national seashore, from there east along the bay is some of the most beautiful scenery in New England, out to the Atlantic Ocean and then northerly along the banks, and the shore of the Atlantic Ocean.

Our board felt that if we were going out to acquire land for a park that we, too, would want to acquire that particular portion.

We recognize its prime use for park purposes, and we are willing in determining what amendment should be made, that that area remain in the park bill.

So, in effect, the town of Eastham has given up, willingly, sir, I might add, the primary property as far as real estate values are concerned.

There is one subdivision which in the past 5 years has been opened in this area along Nasset Bay, in which there are many homes exceeding \$29,000 to \$30,000 in value.

So you can see the potential tax revenue on the growth to the town of Eastham that if this were not going to be national park area we could expect to experience.

However, as I said before, it is prime property for conservation purpose and we recognize the fact that it would not be advantageous to a good park on Cape Cod to ask that this be excluded for residential development.

We feel definitely, however, about this other area, for the simple reason that first it is physically removed, and, secondly, it is partly developed at this stage.

By the map you get an idea how small an area it is.

Lastly, it is our sole remaining area in the town of Eastham in which we can expect high-class residential homes to be built, year-round homes for year-round taxpayers, and retirement homes.

That is the type of person that settles in Eastham. They come and they buy a lot of land, build a home on it, and eventually retire there.

Secondly, or next, I would like to point out that in our final deliberations as to this area in the center part of town, we determined that the 10-foot contour line should be used. The 10-foot contour line would then assure all park visitors and all Americans the right to have access to the shoreline in front of this upland.

Senator BIBLE. That is in line with the testimony of the Congressman this morning; is that correct?

Mr. HURD. Yes, sir.

Senator BIBLE. As I understood him, he was suggesting a 10-foot contour line along the entire stretch of red area and you are suggesting a 10-foot contour line along the 160 acres.

Mr. HURD. We are accepting the fact that this area is all national park property.

This is the 10-foot contour line along that 160 acres; yes, sir.

In the year 1960, the town of Eastham took—well, we didn't take; it was already—we laid out an existing townway called Hemmingway Road, shown on this map, which runs from Route 6 down to the shore, lying roughly in the middle of this 160-acre tract that we are discussing now.

At the end of that we enlarged the parking area and cleared out the beach so that people could launch boats from there.

There is no fee for this and we are doing our part, we think, to encourage the public to use the salt water resources in Eastham.

The town of Eastham, back in 1959, voted to get an economic report on what the impact this national park, or effect this national park, would have on the town of Eastham. The town retained Blair Associates, a planning consultant firm in Providence, R.I. Their findings are quite similar and parallel to ours.

They found that the land remaining outside of the proposed legislation is an:

\* \* \* established area of medium quality year-round homes and rental cabins and cottages on comparatively small lots.

The Blair report further found that in the park area under deliberation at that time, that it is:

\* \* \* predominantly good quality homes and cottages on large lots.



The conclusion drawn by this consulting firm was, and I will read quickly and briefly:

While some commercial benefits may be derived by the town from the existence of the national park, the residential legacy of past development in the remaining period is not conducive to the future development of substantially better quality housing among it. The result might be that Eastham might develop as a residential community of mediocre quality. The town today as a whole is certainly not that, and any reduction of the proposed park area which recognizes the need for retaining some of the good quality housing areas will go toward achieving that balance of housing quality which is essential to the future physical and aesthetic character of the town of Eastham.

I quoted from the report, Mr. Chairman, because their wording is much better than I could have put it, but it is very true.

They also recommended areas for boundary revisions, and their areas, too, are substantially larger than what the town of Eastham is asking here at these hearings.

To conclude, I have tried to point out that without the exclusion of this 160-acre parcel of land, the town of Eastham is unfortunately faced with mediocrity.

I have pointed out that the development has been in the other part of town and that development has not been the best that it could be, unfortunately.

We are concerned there in the town of Eastham on Cape Cod that if this area is not excluded, the town will be reduced perhaps to mediocrity, and ultimately, I think, that is going to be reflected in the park area, itself.

Therefore, we are strongly urging that this area be excluded.

It is partially developed at the present time. These areas that the Saltonstall-Smith bill excludes in the northerly portion of the town of Eastham are partially developed also.

We would finally like to point out that our board of selectmen did everything they could to ask changes which would be complimentary to both our town and the overall proposal for we think we can live compatibly with both.

It does not include the so-called islands and enclaves that have been referred to in the course of this testimony.

I thank you.

Senator BIBLE. Thank you very much, Mr. Hurd. I think that was a fine presentation.

Senator Allott?

Senator ALLOTT. I have no questions.

Senator BIBLE. Did you care to add something?

Mr. HURD. I merely wanted to state that I have been accompanied down here by a member of the planning board of the town, and Mr. Clarence Doughty, a member of the board, is here and would like to make a statement, if he might.

Senator BIBLE. We would be happy to have his statement.

#### STATEMENT OF CLARENCE DOUGHTY, MEMBER, PLANNING BOARD, TOWN OF EASTHAM, MASS.

Mr. DOUGHTY. I am Clarence Doughty, of the town of Eastham, a duly elected member of the planning board, of which I am serving my second 5-year term.



I am a builder within the town of Eastham.

First, I would like to clarify our opening statement in our brief concerning our position in regard to the national park.

We of the planning board have been charged with the further planning of the town, with emphasis on conservation; however, we feel that the planning that we have done for the future of this town entitles us to believe that we within the town, knowing the town intimately, believe that with aid possibly from some State or Federal source we can do a better job of conserving our beaches and planning for the future generation than can a disinterested department of any form of government other than the town.

I would like to point out that it has been emphasized quite frequently in these hearings that the continuity of this area be preserved.

By permitting the properties that are now inhabited or the developed properties, as has been stated, we then automatically break up the continuity of this proposed park.

Also, by the public lands which the town now owns within the proposed park, by a proper annual town meeting held this last month, in February, the town of Eastham voted 57 against the proposed park, the park, as proposed, and 4 in favor.

Therefore, this would further break up the continuity of this proposed park because we believe that the town-owned property would not be turned over to the National Park Service.

Senator BIBLE. May I get the position of Eastham clear in my mind. I understood Mr. Hurd to say that they did not object to this Cape Cod national seashore provided there was restored some 164 acres.

Do I understand your testimony to be that as a member of the planning board of Eastham, Mass., the planning board is unalterably opposed to this?

Mr. DOUGHTY. We are opposed to the national park in this respect, as I stated before, because we believe that the majority of the residents in the town, in fact, by the proper vote of the town meeting—

Senator BIBLE. You show the vote was 57 against and 4 in favor. That is against it?

Mr. DOUGHTY. We have to go along with the vote of the town. We feel it is our position, our obligation.

Senator BIBLE. What if we restored the 164 acres to which Mr. Hurd testified? Would that satisfy the problem, or not?

Mr. DOUGHTY. I am perfectly satisfied personally, to go along with Mr. Hurd's proposal.

However, I feel that I was sent down here as a representative of our planning board and I have to state the views of the planning board as I was instructed.

Senator BIBLE. I understand.

You are stating the view of the planning board, but the views of the planning board are not necessarily those of the selectmen; is that correct?

Mr. DOUGHTY. That is right.

Senator BIBLE. I am trying to know just exactly what your respective positions are.

Senator ALLOTT. Mr. Chairman, while we are on this, a thought occurs to me: I just had handed me a copy of the hearings before the 86th Congress. I believe these were the hearings held in Eastham on December 9 and 10, 1959.

In your statement at that time, Mr. Hurd, and I am a little bit confused by the same thing, I am sure, as is bothering the chairman at this point, you inserted a statement of the board of selectmen of the town of Eastham, Mass., and under item 4 of that you said this, or the statement says:

Seventy-eight percent of the resident taxpayers answering this survey favored this proposed legislation in principle.

5. Eighty-three percent of the nonresident taxpayers answering this survey favored this proposed legislation in principle.

Is this still true?

MR. HURD. Yes, prior to the first hearing held on this proposal, our board of trade conducted a survey by sending a copy of the bill, the Congressional Record pamphlet that was printed for the purpose, to every taxpayer in the town of Eastham from which we got the results of this survey.

That survey, which was made a part of our previous record, was the basis of the board of selectmen's position consistently throughout the course of this particular legislation.

SENATOR ALLOTT. That has not been changed by any subsequent survey, Mr. Hurd?

MR. HURD. No subsequent survey was made; no, sir.

At the last annual town meeting, a vote was taken and in all fairness I must admit that Mr. Doughty is correct in that the townspeople voted in opposition to the proposal.

But in all fairness to the committee I must also state that this vote was taken at 1 a.m. in the morning. We did not mean for our town meeting to get out of hand like that, and last so long, but unfortunately some other matters came up and we could not get to this particular item early in the evening, which we thought would be a better vote.

SENATOR ALLOTT. They certainly take their government seriously.

I think that clears up this point, Mr. Hurd. Thank you very much.

SENATOR BIBLE. Did you care to add anything further? Your entire statement will be incorporated in full in the record, of course, so just highlight it.

MR. DOUGHTY. I do not propose to be in conflict with the board of selectmen or to oppose their views in any way. I think we came down here in unison.

I am willing to go along with Mr. Hurd's views.

However, we had a statement made out before we came down here and I wanted to present the views of the planning board as I was instructed to before I left.

SENATOR BIBLE. I understand what you said very clearly.

MR. DOUGHTY. I would like to read and present as evidence a telegram that I received yesterday afternoon from the town of Barnstable. This town is not within the proposed park.

However, they sent me this telegram yesterday following their town meeting, their annual town meeting.

The following resolution was adopted at the annual town meeting of the town of Barnstable held yesterday, March 7, 1961, 218 voting in the affirmative and 38 in the negative.

"Whereas the establishment of a national seashore park on Cape Cod would be seriously if not fatally detrimental to the economy of the entire area; and



"Whereas the benefits derived by the remainder of the United States could not possibly compensate for the harm done to Cape Cod: Now, therefore, be it

*Resolved*, That we, the voters of the town of Barnstable, in town meeting assembled, do hereby most strongly recommend that Cape Cod be not sacrificed for the transient pleasure of others and that a national seashore park be not established on Cape Cod; be it further

*Resolved*, That a copy of this resolution with the vote thereon be forwarded to our Senators and Representatives in Congress and to the House and Senate Committees on Interior and Insular Affairs."

(Signed) HOWARD W. SEARS,  
Town Clerk, Town of Barnstable.

Senator BIBLE. Very well. That telegram has been read in full into the record.

Mr. DOUGHTY. I think that concludes my statement, Mr. Chairman. I thank you very much for the interest and courtesy I have received.

Senator BIBLE. We very much appreciate having you here with us.

Mr. DOUGHTY. Thank you.

(The formal statement of Mr. Doughty follows:)

#### STATEMENT OF THE PLANNING BOARD OF THE TOWN OF EASTHAM

The Planning Board of the town of Eastham, has been from the very first, and still is, unanimously against any form of national park in the town of Eastham.

Our position has been upheld by the almost unanimous vote of the town's people against a national park. At proper annual town meetings the towns of Eastham, Wellfleet, and Truro voted as follows: Eastham, 4 in favor, 57 against; Wellfleet, 4 in favor, 105 against; Truro, 13 in favor, 80 against.

The National Park Service has stated that it cannot establish a satisfactory park with less than the maximum amount of land asked for in the bill for a Cape Code National Park, even though this bill covers more area in Eastham than the national park as originally proposed.

It has been shown by a study authorized by the town, and made by the Blair Associates for the town, that we cannot exist with such a taking. Obviously the two are incompatible.

A point that should be carefully considered, is that all of the towns involved own considerable acres of beach and adjoining upland. The national park can only acquire these areas by a two-thirds majority vote by these same people who voted so strongly against a national park. It is therefore safe to assume that the park would be denied these areas that would be so vital to the establishment of a park. It would leave innumerable breaks in the continuity of a park and cause many large areas spotted throughout.

There are many reports of abuses of the national parks, and we have already had a number of very unpleasant experiences with people who believed a park had already been established. This is only one of the many reasons the town's people would not be willing to give town property to the park. Furthermore, the thought that after establishment of a park, the town might find it economically wise to give up its beaches, is entirely false. Town-owned beaches can be a moneymaker for the town. The town of Orleans has been an exceptionally well-run beach which is free to the residents and their guests, and makes a charge of 50 cents to transients. Their net profit for 1960 was \$4,000. This profit goes for other nonpaying town parks and beaches.

We cannot understand how the proponents of this bill arrived at a figure of 16 million for the establishment of the park and acquisition of property. By their own statements, they require the entire area, therefore they must purchase the entire area. Persons qualified by their occupations as appraisers, planning board members, real estate brokers, and builders versed in local values, have made the following estimate of the fair market value of the land and the replacement costs of the 300 homes in the area. The estimate arrived at is

approximately 18 million for the town of Eastham. This estimate was made in the fall of 1959. Since that time new homes have been built, and more acreage already containing homes has been added to the proposed park. We therefore feel that this is a very modest estimate.

The towns of Wellfleet and Truro have considerably more acreage in the proposed park area and should have a greater estimated value. Add to this the property to be taken in the towns of Orleans and Chatham, the high cost of the takings, such as title searching, surveying, court proceedings, access roads, administration buildings, and the many other expenses of establishing a park. Therefore, we feel that a conservative figure for a total cost could well exceed \$100 million, or about \$3,300 an acre—an unheard-of cost for establishing a national park. Furthermore, with today's high cost of Government, including aid to distressed areas, to which we would be added, there is no assurance of how much of the 16 million Congress would vote for the park.

To sum up the above, were a national park to be established, it would be completely against the wishes of, and disastrous to the towns involved. The cost would be prohibitive, and by park standards, it would be highly undesirable and completely unworkable.

The Planning Board of the town of Eastham, being charged with looking out for the future of the town, and consequently the adjoining towns and the county, would like to point out that authorizing a national park in such a highly developed area as Cape Cod, would establish a very dangerous precedent, thereby leading us to believe that in the future, no private property would be immune from seizure by the Government.

The town of Eastham has had zoning regulations and a building code for 10 years, a zoning committee for 5 years and a conservation commission for 4 years, all active.

The town of Eastham is now one of the best zoned in the county, and we are continually improving on it. At our 1961 annual town meeting, we made further restrictions on signs, and turned down two petitions for extension of the business area.

Our zoning laws shows that the entire area of the proposed park is in the well-zoned residential A district.

This town could only become a so-called honky tonk area by being forced into it for economic reasons by a national park.

The town of Eastham has 17 public town landings, of which 11 are on salt water beaches and also holds in excess of 50 acres of land and 3,100 feet of beach for future public use, as needed.

It is clearly evident that the town of Eastham is already doing all of the desirable things for the public that this bill envisions, and that any bill for a national park in Eastham would not only be superfluous but very costly to both the town and the Government and would defeat its own purposes.

Following are two statements made by the Director of National Parks in an article in the Saturday Evening Post. "Some camping grounds are so crowded that they amount to outdoor slums." "Yellowstone will be destroyed if things keep on as they are going, literally destroyed, crowds walking all over the formations, vandalism is more and more prevalent. We ought to at least keep what we've got and we're not doing it." We feel that these statements based on real facts show that conservation and preservation could not possibly exist in so small a place as the proposed Eastham area if it were wide open to millions of visitors and under the auspices of the National Park Service.

Should (regardless of all valid arguments against it) a national park be established, we feel that it is imperative that the property owner within the area be fully protected. A section should be included in the bill requiring that sufficient funds be immediately available for the purchase of any properties that the owners wish to sell to the National Park Service and that the Park Service be required to purchase such property within 1 year from the date of request by the owner. This would alleviate the hardship for those persons who feel they must sell for whatever reason. As this park is to be established for all of the Nation to use, it should be paid for by the people and not at the cost of the property owners.

Senator BIBLE. Our next witness is Mr. McNeece, Board of Selectmen of Chatham, Mass.



STATEMENT OF ROBERT McNEECE, BOARD OF SELECTMEN,  
CHATHAM, MASS.

Mr. McNEECE. Mr. Chairman and members of the committee, thank you for the opportunity of appearing here.

My name is Robert McNeece. I am a selectman of the town of Chatham. That is, I am a selectman today. Today is voting day in Chatham. I am not sure I will be a selectman tomorrow.

Senator BIBLE. You seem to be rather philosophical about it. I wonder if you can point out on the map where Chatham is. Will you orient us so we know exactly where you are going back to serve as a selectman.

Mr. McNEECE. I hope.

It is on the lower portion of the cape.

Senator BIBLE. Approximately how large an acreage is that in miles or acres?

Mr. McNEECE. I have it in my statement that has been filed with the committee previously, sir. Ten thousand acres.

Senator BIBLE. 10,000 acres is the figure?

Mr. McNEECE. I believe so.

Senator BIBLE. About how many people do you have the year round?

Mr. McNEECE. About 3,200.

Senator BIBLE. And in the summertime you run  $3\frac{1}{2}$  or 4 times?

Mr. McNEECE. To about 10,000, I would say.

Senator BIBLE. You may proceed.

Mr. McNEECE. I want to present for the record a resolution that was voted last Monday evening at our town meeting, an attested copy, together with other material which I shall submit.

Senator BIBLE. They will all be included as a part of the record.

Mr. McNEECE. This is a copy of the resolution:

*Resolved*, That the town does hereby reaffirm its position in relation to Senate bill S. 2636, said position having been presented by Selectmen Everett C. Small and Robert A. McNeece to the Subcommittee on Public Lands of the Senate Interior Committee on December 9, 1959, at Eastham, Mass., and affirm the position taken by the selectmen in relation to Senate bill S. 857, as read to this town meeting, upon presentation of this resolution, said position to be presented to the Subcommittee on Public Parks of the Committee on Interior and Insular Affairs of the U.S. House of Representatives, March 7, 1961, and to authorize the selectmen to restate the aforementioned position to the Senate Subcommittee on Public Lands of the U.S. Senate Committee on Interior and Insular Affairs on March 9, 1961, said position being substantially as follows:

That the town of Chatham endorses the concept of public preservation for public use of undeveloped areas which will contribute scenic, cultural, recreational, and other benefits to the public provided that each proposal made for the aforesaid purposes meets the requirements of public need, good purpose, and sound planning, and provided that no such proposal shall be of such extent, character, or location as to cause undue injury to a neighborhood or community.

That, consistent with this statement of its beliefs and as evidence of its present desire to cooperate toward the success of a Cape Cod National Seashore and because it believes that the town-owned area of Nauset Beach may meet what is considered to be essential requirements to justify preservation, the town anticipates that it will approve at the proper time, subject to reasonable safeguards and conditions, and the boundaries of Nauset Beach, as described in the aforementioned statements, the transfer of the town-owned Nauset Beach area to the U.S. Government, Department of the Interior.

That the town believes that the Morris and Monomoy Island areas do not meet the aforesaid requirements which the town considers to be essential to justify preservation particularly because the inclusion of these areas in the

national seashore park will cause undue injury to the town, in the manner described in the brief presented by the town, and subsequent official statements made at official hearings, as referred to in the statements to be made at the aforementioned hearings of March 7, 1961, and March 9, 1961, and, therefore, these areas should be eliminated from the proposed boundaries of the park.

That the town of Chatham hopes that the final determination of the park boundaries will be such as to strengthen the town's faith in the wisdom of its national legislators and assure the town's continued desire to cooperate toward the success of a Cape Cod National Seashore.

That resolution was voted on at the first night of the annual town meeting when there was a maximum attendance. The vote was 477 in favor and 13 opposed.

In addition to that resolution, I am offering for the record a copy of the vote of the Chatham Finance Committee unanimously supporting that position; a copy of the vote of the Chatham Planning Board supporting the resolution; a copy of the vote of the Chatham Conservation Commission supporting the resolution; a copy of the vote of the Chatham Park Commission will be sent to this committee.

May I ask at this time if the record will be held open?

Senator BIBLE. Yes, the record will be held open for a reasonable length of time.

Mr. McNEECE. The reason that was not available is that one of the members is in Florida and the other was in Boston. Of course, this town meeting was Tuesday and we had to come over here Wednesday and it was very difficult.

Senator BIBLE. You will be protected, timewise.

Mr. McNEECE. Any other statements will be forwarded to be made a part of the record.

(The documents referred to follow:)

CHATHAM, MASS., March 6, 1961.

*The Board of Selectmen, Town of Chatham.*

GENTLEMEN: The Finance Committee of the Town of Chatham votes unanimous support of the resolution in relation to Senate bill 857 as presented at the annual town meeting; namely, that Morris Island, Stage Island, and Monomoy be excluded from the proposed national seashore park.

REBECCA W. MOSHER, *Clerk.*

MARCH 7, 1961.

I certify that this is a true copy of a letter received by the board of selectmen from the Finance Committee of the Town of Chatham.

[SEAL]

MABEL E. NICHOLAS, *Town Clerk.*

TOWN OF CHATHAM,

OFFICE OF THE SELECTMEN, ASSESSORS, AND PUBLIC WELFARE,

March 7, 1961.

*Board of Selectmen, Chatham, Mass.*

GENTLEMEN: The majority of the members of the Chatham Planning Board have voted to support the resolution voted at the annual town meeting, March 6, 1961, in regard to the position of the town of Chatham in relation to Senate bill S. 857.

Very truly yours,

CHARLES H. SHEPARD,  
E. MELSON WEBSTER,  
THOMAS ENNIS,  
GEORGE A. THORNTON,  
ALICE C. HISCOCK,

*Members, Chatham Planning Board.*

MARCH 7, 1961.

I certify that this is a true copy of a letter addressed to the board of selectmen from the Chatham Planning Board.

[SEAL]

MABEL E. NICHOLAS, *Town Clerk.*



## CHATHAM CONSERVATION COMMISSION

The Chatham Conservation Commission has voted unanimously to support the resolution presented at the annual town meeting, March 6, 1961, in relation to the Senate bill, S. 857.

KENNETH H. PRATT.  
 MARCIA G. NORMAN  
 ROLF E. SYLVAN.  
 JOHN A. CHAMBERLIN.  
 CHARLES R. PICKARD.  
 CHARLES H. SHEPARD.

MARCH 7, 1961.

I certify that this is a true copy of a statement by the Chatham Conservation Commission of the Town of Chatham.

[SEAL]

MABEL E. NICHOLAS, *Town Clerk.*

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TOWN CLERK AND TREASURER,  
 Chatham, Mass., March 6, 1961.

*To whom it may concern:*

*Resolved*, That the town does hereby reaffirm its position in relation to Senate bill (S. 2636) said position having been presented by Selectmen Everett C. Small and Robert A. McNeece to the Subcommittee on Public Lands of the Senate Interior Committee on December 9, 1959, at Eastham, Mass., and affirm the position taken by the selectmen in relation to Senate bill (S. 857), as read to this town meeting, upon presentation of this resolution, said position to be presented to the Subcommittee on Public Parks, of the Committee on Interior and Insular Affairs of the U.S. House of Representatives March 7, 1961, and to authorize the selectmen to restate the aforementioned position to the Senate Subcommittee on Public Lands of the U.S. Senate Committee on Interior and Insular Affairs on March 9, 1961, said position being substantially as follows:

That the town of Chatham endorses the concept of public preservation for public use of undeveloped areas which will contribute scenic, cultural, recreational, and other benefits to the public provided, that each proposal made for the aforesaid purposes meets the requirements of public need, good purpose, and sound planning, and provided that no such proposal shall be of such extent, character, or location as to cause undue injury to a neighborhood or community.

That, consistent with this statement of its beliefs and as evidence of its present desire to cooperate toward the success of a Cape Cod National Seashore and because it believes that the town-owned area of Nauset Beach may meet what is considered to be essential requirements to justify preservation, the town anticipates that it will approve at the proper time, subject to reasonable safeguards and conditions, and the boundaries of Nauset Beach, as described in the aforementioned statements, the transfer of the town-owned Nauset Beach area to the U.S. Government Department of the Interior.

That the town believes that the Morris and Monomoy Island areas do not meet the aforesaid requirements which the town considers to be essential to justify preservation particularly because the inclusion of these areas in the national seashore park will cause undue injury to the town, in the manner described in the brief presented by the town, and subsequent official statements made at official hearings, as referred to in the statements to be made at the aforementioned hearings of March 7, 1961, and March 9, 1961, and therefore these areas should be eliminated from the proposed boundaries of the park.

That the town of Chatham hopes that the final determination of the park boundaries will be such as to strengthen the town's faith in the wisdom of its national legislators and assure the town's continued desire to cooperate toward the success of a Cape Cod National Seashore.

MARCH 7, 1961.

I hereby certify this to be the resolution voted on at the annual town meeting, March 6, 1961. The vote on this resolution was 477 in favor, 13 opposed.

[SEAL]

MABEL E. NICHOLAS, *Town Clerk.*

Mr. McNEECE. This new bill, S. 857, does recognize the primary concern that Chatham had when a national seashore was first proposed, that by setting up a nationally advertised area on its mainland

it would attract so much traffic through its residential areas that those areas would be seriously depreciated.

It could start a trend of depreciation which eventually would be quite disastrous to the town of Chatham. Therefore, this new bill seeks to overcome that objection by limiting the uses to which Monomoy and Morris Islands may be put.

Senator BIBLE. Again, Monomoy and Morris Islands are in the red to the extreme right?

Mr. McNEECE. To the extreme right; correct, sir.

Also in the bill, the boundary of Nauset Beach, the outer stretch, is set at one-quarter mile offshore, to which Chatham does not agree. In other parts of the bill, the boundaries have been established at the mean low water mark. That is customary on the cape, that boundaries be established at the mean low water mark.

Chatham desires that the boundary of Nauset be established at the mean low water mark instead of one-quarter mile offshore.

The bill, as I said before, is more desirable to the town of Chatham in that it does limit the uses of Morris and Stage Islands.

Now, what we must establish is the limited uses proposed for Morris and Stage Islands are going to be so limited that so few people will visit them that the cost of acquiring Morris and Stage Islands and the cost of administering and maintaining Morris and Stage Islands would be so great that it does not seem as though their acquisition would be justified.

The valuation placed on Morris and Stage Islands at the present time is \$1,108,000. There has been some question before this committee before as to what was the value per acre of waterfront land on the cape. In our statement which we are submitting for the record we have taken not only the valuation of the lots placed on Morris and Stage Islands, but we have compared that valuation with actual sales of property of similar nature, waterfront or near waterfront, actual sales that have been made in the town of Chatham.

The price of lots on Stage Island, the cheapest, is \$8,500 and they run up to \$22,000. On Morris Island they run up to \$30,000. We have had acre lots sold commonly on the waterfront in Chatham at \$20,000 and more.

If the land is to be acquired as the bill states, and that fair market value is to be paid, assuming that it would be under independent appraisal, certainly they would have to take into consideration the prices of actual lots that have been sold that are comparable to what are on Morris and Stage Islands.

As unfortunate evidence, as far as Chatham is concerned, of the value of waterfront property, the town of Chatham took by eminent domain 2 acres of marshland just 2 years ago for the purposes of providing a town landing. That marsh area was covered at high tide, about three-quarters of it, by water. The case went to jury trial and the jury awarded the claimant \$9,000 for 2 acres of marshland. That gives you an idea of the valuation of the waterfront property in the town of Chatham.

So if Morris and Monomoy Islands are to be acquired, and if fair market value is to be paid, considering the need to maintain a sound dollar, it seems to the town of Chatham that the acquisition for the use of a very few people would not be justified.



The other thing that we must establish is that their use will attract enough people so that the cost would be justified. In other words, there will be enough people to come over there to enjoy them to justify spending that amount of money for the property.

It has been admitted by Senator Saltonstall and by the National Park Service that traffic through the town of Chatham is a valid concern. That is why they have placed these limited uses on the Morris and Monomoy areas.

It is Chatham's belief that regardless of the fact that these limited uses are written into this bill, that a large percent of the expected 10 million extra visitor days which has been determined by the economic study, a large percentage of the people making up those visitation days are bound to come down to Chatham to see the whole park while they are there, out of curiosity, to enjoy whatever uses are permitted in the area, or to go through Morris and Stage Islands to get to Monomoy where recreation is permitted.

The town believes that despite the fine intent of the National Park Service, and I have said many times that the national park staff is composed of men dedicated to their jobs, with fine ideals and so forth, but we believe there are many things that they cannot control, and one of the things is a growing pressure for use of more of these areas which were designed for preservation to be used for recreation.

We believe that that is going to be the consequence of establishing any part of the mainland area of Chatham in the national seashore.

This is a pamphlet that is issued for the Cape Hatteras National Seashore Recreational Area. I believe it is a national seashore park. Such pamphlets naturally are issued for all of the national parks, and they have the maps.

I would assume that for the Cape Cod National Seashore, Chatham being a separate part of it, they would have a box devoted to Chatham. That is purely assumption. But they did the same thing at Hatteras. I think it is a reasonable assumption.

Now, if the national publicity that is given to all of our national parks, such as what has appeared recently in the Saturday Evening Post, four pages of it that would have cost a couple of hundred thousand dollars, the publicity that you find in most of the sports magazines, the outdoor magazines, National Geographic and so forth, that publicity the National Park Service has no control over. They cannot confine or limit the number of people that are coming down to see this particular seashore.

The figures that were given by the consultant that made the economic study, in my opinion, are very conservative because that firm based its figures on the experience of Cape Hatteras. Cape Hatteras is not anywhere near the density of population that we have on the eastern seaboard. So when they predict a million extra visitation days within 4 years, and 10 million within 15 years, I think that is extremely conservative. I would increase it by at least 50 percent. I think it would be reasonable to double it.

Now, if we do have that kind of visitation to a national seashore, I think it is almost a certainty that there will be enough of those visitors who will want to travel over what is now a very scenic road from the next nearest part of the park, which will be located in Orleans. They will travel this narrow, scenic road to get to Chatham

and they come through our finest residential areas, houses that run up to \$75,000—\$50,000 is not uncommon in Chatham—they will have to come that way in order to reach Morris Island.

Having reached it, they will either have to retrace their steps over this same road, what we call Shore Road, one of the finest residential roads, or they will have to come over Bridge Street.

Here, again, we have one of our finest residential areas, and they would go up State Harbor Road, also one of our finest residential areas. In other words, unlike these other towns on the north end, where you can follow the midcape highway and turn off to get to a park, when you get to Chatham there is no way to reach this area except going through the most valuable part of Chatham itself, and retracing your steps.

Therefore, we believe that despite the fact that this bill does limit the uses, as long as any part of a national park appears on one of the pamphlets, we are bound to get quite a sizable amount of traffic through our finest residential areas, and it can have only one result; that is a depreciation of those roads which, in turn, and it is the way the cycle goes, results in the depreciation of the town as a whole.

Senator BIBLE. Does that conclude your statement, Mr. McNeece?

Mr. McNEECE. It did not conclude. If you would like me to conclude it at that point—

Senator BIBLE. I am not trying to put a time limit on anybody, but I will try to conclude the hearings this afternoon. You can talk as long as you would want, but I would appreciate it if you would capsule the remaining part of your testimony.

Mr. McNEECE. I will try to make it as brief as possible.

By spending a million dollars for that particular area, you will be spending 7 percent of the \$16 million which is appropriated in this bill for 213 acres of land which represents only seven-tenths of the 29 acres of the park.

Under private development as proposed, the features that have been pointed out as justification for preserving Morris and Monomoy Islands will be preserved anyway because we have agreements, signed agreements, with the owners, that the White Cedar Bog and the marshes will be preserved in perpetuity.

The deed restrictions on Morris and Monomoy Islands call for colonial architecture. They limit the cutting of trees of a certain diameter. They are the most severe deed restrictions that have been proposed in the town of Chatham. It has been referred to many times as a sanctuary, which implies bird sanctuary.

We have in our statement the testimony of a man very well qualified with a very long pedigree—that is not the word—knowledge of bird habitat, and so forth, who states that the actual experience of bird life is that it has improved in an area where people plant shrubs and bushes, berry-bearing bushes, and have feeding stations, and so forth. He makes a comparison of another area of Chatham, where such a thing actually happened.

If this were acquired simply as a sanctuary, and it has been referred to as acre for acre being the most important bird habitat on the New England coast, I think the price that would have to be paid for it it would be the most expensive bird habitat, not only on the New England coast, but probably all the way along the coast.



Now, at Monomoy, Chatham does not believe that Monomoy should be included within the park. Chatham believes that Monomoy should stay just the way it is. It is separated from Morris Island now by a beach that is about three-quarters of a mile wide. It is in its original primitive condition.

One of the Senators here this morning mentioned Monomoy in particular, as having been there, and what a delightful place it was, and he hopes it will stay that way. Chatham agrees with him wholeheartedly. We want it to stay that way.

There is another very important reason for it staying that way. That is because when this area goes into the national park, and this is all Chatham area, this outer beach, undoubtedly this will be used widely for recreational purposes. There is no reason why it should not. Chatham owns the southern portion and various segments in the northern part.

There is a logical spit of land that runs all the way down to the end of Provincetown, and it will serve good recreational purposes. Over here we have Monomoy which should serve the other purpose of preservation in its primitive condition.

I will summarize very quickly. I am afraid I am taking up too much time. The only trouble with this is, of course, the National Park Service has taken 2 years to study this, and we seem always just to have a few minutes to present our views. I did have a statement.

Senator BIBLE. Your statement will be incorporated in full in the record.

Mr. McNEECE. I just want to read the concluding remarks, Senator.

Based on the facts quoted, statements, and other material presented in this statement, it has been clearly established and acknowledged that the additional traffic is a valid concern.

The separation of one part of the park from another is not practical. It is not good planning. It is admitted, I am pretty sure, by what you will read in the contents of this statement, concessions were made to every other town on the cape, as far as land is concerned, but no concession, landwise, was made to Chatham.

Now, if Monomoy stays under present management, operated by the Fish and Wildlife Service, it can be done very economically. Their budget has ranged anywhere from \$15,000 to \$25,000 a year. If it is placed under the National Park Service and they spend the money out there which they have spent at Cape Hatteras, it could run into the hundreds of thousands.

Incidentally, speaking of Cape Hatteras, down there they excluded whole towns and left room for expansion. Certainly that should be a precedent to justify excluding what we wish in the town of Chatham.

The town has ample power to control the general character of the town through zoning. At this last town meeting that we referred to we adopted about 20 additional articles to our zoning bylaws, amendments, all of which strengthen our zoning bylaws.

Incidentally, at the same town meeting we voted over a million dollars for a new high school. We hope that some of the revenue from Morris and Monomoy Islands will help to pay for that. We have a conservation commission which is acquiring easements on our marsh areas.

We have a bylaw controlling the use of our marsh areas. We are doing our utmost in our planning and with the power, and we do have the power, to continue to maintain Chatham as one of the finest towns on the cape, if not the finest town on the cape.

By accepting our proposal and making these exclusions and boundary changes, the Government will be preserving for posterity a relatively unspoiled typical cape town. We have 200 original Cape Cod cottages in our town. We have colonial churches, windmills, monuments, and so forth.

Because of our geographical location, and that is on the elbow of the cape, we can escape the normal large flow of traffic if none of it is directed into the town itself by establishment of a national seashore. In that way, Chatham believes that it can achieve not only its own preservation objectives, but those objectives will implement the overall purpose of national park legislation.

We will be preserving for posterity the scenic, cultural, and historic objectives that are a part of the aims of the National Park Service.

Thank you very much. I am sorry if I have taken too much of your time.

Senator BIBLE. Not at all, Mr. McNeece. We enjoyed hearing from you, and you have given a fine presentation on behalf of Chatham.

(The prepared statement presented by the witness is as follows:)

#### STATEMENT OF THE TOWN OF CHATHAM

Inasmuch as the town of Chatham has submitted statements both verbal and written, on a proposed Cape Cod National Seashore Park at various Senate and House subcommittee hearings, and in order to avoid repetition, the town respectfully requests the verbal and written statements, as described and enumerated below, be made a part of the record of this hearing on the new House bill 989.

(1) Verbal statement by Robert A. McNeece made at the Senate subcommittee hearing on Senate bill 2636 on December 9 and 10, 1958, Eastham, Mass.<sup>1</sup>

(2) Statement of the "Position of the Town of Chatham in Relation to Senate Bill 2636" presented at the same hearing.<sup>1</sup>

(3) A statement filed by Everett G. Small, chairman of the Chatham Board of

(3) A statement filed by Everett C. Small, chairman of the Chatham Board of June 21, 1960.<sup>1</sup>

(4) A statement by the town of Chatham presented to the Subcommittee on Public Lands of the House of Representatives at the hearing of said committee on December 16 and 17, 1960, at Eastham, Mass.<sup>1</sup>

(5) The verbal statement by Robert A. McNeece made at the aforementioned hearing.<sup>1</sup>

All of the above are part of the record of the hearings referred to but are distinct and not repetitious in content. Inasmuch as H.R. 989 is a new bill, the town of Chatham wishes to be assured that all the testimony it has thus far submitted on the proposed Cape Cod National Seashore Park will be printed in and become a part of the record of this hearing.

Supplementing the aforementioned testimony, the town of Chatham wishes to make the following additional statement of facts and relevant comments in support of the position the town has taken in regard to a proposed Cape Cod National Seashore Park as it relates to the town of Chatham.

Chatham has maintained from the beginning that any area of the proposed park which must be reached by travel over narrow roads through its fine residential districts would have a serious depreciating affect on the fine residential character of the town as a whole. In a recent letter to the Chatham Park Commissioners from Director Conrad Wirth, of the National Park Service, published in the Cape Cod Standard Times of March 2, 1961, Director Wirth ac-

<sup>1</sup> Filed with the committee and incorporated by reference.



knowledges the validity of the Chatham contention by describing limited uses now planned for Morris and Stage Islands which would have such an effect as not to "cause access and transportation problems through the town of Chatham." In another press release Senator Saltonstall confirmed Chatham's contention by saying in effect the limited uses "answers both the valid concern of the Chatham Board of Selectmen that increased traffic congestion would necessitate the widening of streets and thus impair the traditional charm of the town." Thus the validity of Chatham's most important concern about potential traffic has been recognized by two of the most important sources of legislation to establish the park, Director Wirth and Senator Saltonstall. In this same connection Chatham wishes to call attention to Director Wirth's statement and the words "cause access and transportation problems—through the town of Chatham" and refer to the statement made by Director Conrad Wirth as recorded in the hearings at Eastham December 16 and 17, 1960, in which he said: "In our studies we also tried to give the fullest possible consideration to the probable effects of the proposed national seashore on the neighboring communities. You will note that the community centers of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham are all outside of the recommended boundaries." On the one hand the National Park Service claims the proposed park is outside the bounds of the community center of Chatham and on the other hand it recognizes traffic problems through the town of Chatham.

Chatham has also maintained from the beginning, that it was not good planning to separate one area of the park in Chatham, 14 road miles distant, from the next nearest part of the park in Orleans. Chatham has maintained that the park should be as compact and cohesive as possible, because of its impact on the towns affected, the traffic problems, and the efficiency and economy of administration. Chatham wishes to refer the subcommittee to the final paragraph of the "Statement of the National Park Service in answer to the criticism that the area proposed for the Cape Cod National Seashore Park, as it appears in the record of the hearings at Eastham, December 16 and 17, 1960, is not really all needed for park use. It would also impair its cohesiveness as an administrable area by so constricting and fragmenting it that park routes and facilities could not be developed adequately in the best interests of park conservation and public use. To thus hamper proper park planning would tend to increase the impact of public use upon the traditional atmosphere of the cape."

Chatham also wishes to call attention to Mr. Thompson's verbal testimony, at the above-mentioned hearing, in which he said: "There must be some continuity of an area and unity to its development program." Also to the testimony of Prof. Serge Chermayeff, an ardent proponent of the park, in which he states, "the ecology of wildlife cannot jump quarter-mile gaps." Chatham is quoting these statements, out of context, by Mr. Thompson and Professor Chermayeff merely because it believes they were impulsive utterances stemming from innate, commonsense knowledge that there should be some continuity to the park and yet this proposal would separate one part of the park in Chatham, 14 road miles distant, from the next nearest part in Orleans.

Chatham wishes to call attention also to another paragraph in the statement by Director Wirth. "In suggesting the proposed boundary, we also gave careful consideration to such park planning requirements as the potentialities for its appropriate uses by the visiting public; the need for suitable and safe entrances; means of moving from place to place in the seashore in safety, and in such manner as to make a seashore visit enjoyable; public use facilities such as visitor centers, administrative and headquarters sites, and the minimum land needed to accomplish these purposes." In other words, the seashore, if it is to succeed both as a conservation device and as a public use area, must be such that we can provide sensible and orderly protection, development, and use within it. This will not be possible if it is pared down or dismembered into several or more separate and isolated tracts.

Would not separating Chatham from the rest of the park amount to dismemberment? Could such a small area be provided with sensible and orderly protection economically? Is moving 14 miles over a narrow, winding road between Orleans and through Chatham's busy streets consistent with means of moving from place to place in the seashore in safety?

There has now been introduced in the Senate a new bill, S. 857, which, Chatham understands, will be considered at this hearing. This bill provides for reductions in the proposed park boundaries in every lower cape town requesting reduction, but does not provide for any reduction in Chatham.

The only concession made to the town of Chatham is that "Notwithstanding any other provisions of this act, Morris and Stage Islands shall be administered as a sanctuary in which the flora and fauna shall be preserved, and where camping and other major activities and developments for the accomodation of visitors shall be prohibited." Who is to define major activities?

In an article in the February issue of the Atlantic Monthly, Devereux Butcher describes the act establishing the Everglades National Park, Fla., and what happened in that park thereafter. From this article Chatham wishes to quote the following, Congress specifically directed that the area \* \* \* "shall be permanently reserved as a wilderness, and no development \* \* \* for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential natural primitive conditions now prevailing in this area." Note the similarity of this wording to that in the bill S. 857. Mr. Butcher, in the same article, relates what has actually happened at the Everglades as follows:

"When Everglades National Park, Fla., was established in late 1947, under a 1934 authorization act, the area was an unblemished wilderness except for a few patches of agricultural land on the eastern side and a winding dirt road that ended 40 miles away at a little group of weathered fishermen's shacks known as Flamingo, overlooking Florida Bay. The park was, in fact, as much an unblemished wilderness and wildlife sanctuary as Mount McKinley at the time of our visit.

"Newton B. Drury, who was National Park Service director in 1947, said that before starting any development in Everglades, the area would be studied to make sure that whatever was done would not disturb the wildlife, which constituted the park's principal, and perhaps most fragile, feature.

"A new administration came into office in the early 1950's, and since then the 40-mile road has been improved, and it fills its purpose well; but at its southern end, where the shacks once stood, there is now a fishing-yachting resort of the kind that is a dime a dozen in Florida.

"There is a 60-room motel, a dining room seating 200, a marina, 57 boat slips, with dockside electric power and water, accommodating boats up to a hundred feet in length, and a hoist for boats up to 5,000 pounds. A channel dug across part of the park's Florida Bay provides access for yachts. Marine supplies—gas, diesel fuel, bait, tackle, and ice—are for sale. There is a launching ramp for boats brought in on trailers. Sightseeing trips run daily to the Cuthbert rockery, when the birds are nesting, and to Cape Sable, White Water Bay, and Florida Bay; inboard and outboard boats are for rent with or without guides, as are 30- and 40-foot self-propelled houseboats that sleep four to six persons. Fifteen- and sixteen-foot fiberglass boats also are for rent, with or without motors. The supplies and personnel required for this operation must be trucked 40 miles through the park. Is this big commercial resort in accord with the authorization act?"

Could this same thing, or something similar, eventually happen to the Chatham area, particularly in view of the national growing pressure for more recreational use areas?

Nothing in the bill S. 857 prevents the National Park Service from providing a road through Morris Island to the wildlife areas of Monomoy, which can be made accessible by viaduct or bridge and provide recreational facilities to thousands upon thousands of visitors who may enjoy the following permitted uses as quoted from a pamphlet issued by the U.S. Fish and Wildlife Service, Monomoy area: "Recreation." Varied forms of recreation are available to the public on the refuge. They include fishing, camping, hiking, shell collecting, picnicking, and photography.

The wording in the bill S. 857 implies that there will be very limited visitation to Morris, Stage, and Monomoy Islands. Chatham wishes to quote from the economic study of the proposed Cape Cod National Seashore Park: "Our estimate is that at the present time there are 23,000 summer residents in the



area at any one time. We forecast that without the development of the national seashore park this number would be more than double in 15 years. The nature of most of the summer residents, under that condition would continue to be the family groups that now predominate.

When the lower cape's 23,000 summer residents are used as a basis for calculating "visitor days" a conservative estimate is that there are 1.5 million visitor days already being spent in the area. The implication of the kind of growth experienced at Hatteras—66.8 percent in a 4-year period—if applied to the lower cape would mean a tremendous influx of persons.

This would mean a total of 2,500,000 visitor days at the end of a 4-year period after the establishment of the park and 10 million visitor days in a 15-year period after the establishment of the park.

Of course the season would be much longer since the experience of other parks has been to draw visitors heavily in the spring and fall. If the park is not established, visitor days on the lower cape will be less than 4 million. Such an influx as the one predicted for the park is not beyond reasonable expectations.

To assume that only a small fraction of people making up the 10 million extra visitation days will not visit the Chatham area either from a desire to see the whole park while they are here or a wish to use the recreational facilities which may be made available at Monomoy, is unrealistic. Either a sufficient number will come to justify the cost of acquisition (possibly \$1 million), administration, and maintenance, or it would be sheer folly, particularly in view of the need to maintain a sound dollar, to buy and maintain such an expensive piece of property for a very few people. There is an inconsistency here which puzzles Chatham and leads the town to wonder if the "limited uses" will be only of a temporary nature. Will the history of the Everglades be repeated in the Chatham area?

In determining the fair market value of Morris and Stage Islands which the owners have set at \$1,108,500, based on the price of the individual lots on the islands, Chatham has compared the prices of these lots with other shore front or near-shore lots actually sold or with signed agreements to purchase, and can point out lots that range from \$15,000, for 0.65 acre to \$20,000, for 1 acre. Such lots and prices must be taken into consideration when an independent appraisal is made.

Much is made of Morris and Stage Islands being "administered as a sanctuary." Alan H. Morgan, executive vice president of the Massachusetts Audubon Society has stated that "Morris Island, acre for acre, is the most important land bird habitat on the entire New England coast." He further stated, "an overwhelming proportion of its membership as individuals are, we are sure, emphatically in favor of the park." Chatham takes it for granted that the park, as he referred to it, includes Morris Island.

By contrast a local expert in the knowledge of bird habitats, Edward Norman, member of: National Audubon Society, Cooper Ornithological Society, American Ornithologists' Union, Massachusetts Audubon Society, Wilson Ornithological Society, Northeastern Bird-Banding Association, cooperator bander of the Fish and Wildlife Service of the Department of the Interior, formerly cooperator in banding and research at the Austin Ornithological Research Station in Wellfleet, Mass., states, "The writer relating to Morris and Stage Islands in the town of Chatham, has previously expressed opposition to the inclusion of Morris and Stage Islands in the Cape Cod National Seashore." The new provisions written into the revised Saltonstall-Smith bill, S. 857, do not alter this opinion.

Under private ownership of Morris and Stage Islands, being highly restricted zoned areas, the habitat and ecology will be greatly improved for all forms of wildlife as proved by a parallel situation at Harbor Coves where food-producing planting has increased the bird population throughout the year. The present owners of Morris and Stage Islands have firmly expressed their desire for conservation of the natural beauty of the area. As proof of this attitude, an agreement for a conservation easement covering the Cedar Swamp and marshes has been made with the town through the conservation commission.

I firmly believe that such individual management of the land will be of greater benefit to the wildlife than the so-called wildlife sanctuary of the National Park Service.

Mr. Morgan did not poll the members of the Audubon Society, so his statement is presumptuous. If he were to furnish them with the statement filed by Mr. Norman at the December 1960 hearings in Eastham and a record of what has happened at the Everglades would they "overwhelmingly and emphatically" support the inclusion of Morris Island in the park?

The new bill, like its predecessor, establishes the bounds of Nauset Beach at one-quarter mile offshore. This is an invasion of Chatham and Massachusetts waters. For what reason does the National Park Service want a quarter of a mile of our waters in Pleasant Bay? Why are not the bounds set at the mean low-water mark, which is common practice, and is used as a method of describing the bounds of other areas in the same bill?

In his statement presented to the subcommittee hearing of December 1960 in Eastham, Director Wirth quotes William H. Whyte, Jr., authority on open space conservation, in connection with community growth. Chatham would like to quote the same William Whyte, Jr., from a statement made in the Urban Land Institute—Technical Bulletin 36, as follows: "The charm of the lower cape lies in lived-in-houses as well as in the dunes." It is this charm which one may expect to observe in the colonial houses (required by deed restriction) that will be built on Morris Island if excluded from the park.

Unfortunately no Senate or House subcommittee members have been able to make a leisurely road trip over the Chatham area and the road between Chatham and Orleans under favorable conditions. The National Park Service has taken about 2 years to study the Cape Cod area but the Senate and House committees have had a comparatively few hours to make the same study. The thought of widening and straightening the scenic road between Orleans and Chatham is abhorrent. Massachusetts no longer builds three-lane highways so that if this road were to be widened to State specification it would have to go to four lanes with the result that it would no longer be a charming winding road but, instead, a speedway.

In summarizing its views on proposed legislation to establish a Cape Cod National Seashore Park, either under H.R. 989, S. 857, or any other bills relating to the subject, the town of Chatham contends that Morris, Stage, and Monomoy Islands should be eliminated from any proposed bounds for the following reasons: Based on facts, quoted statements and other material presented in this statement it has been clearly established and acknowledged that additional traffic through our residential areas is a valid concern of the town.

That either the traffic attracted to the Chatham area in pamphlets issued by the National Park Service will be so great (as Chatham believes it will) that it will cause immeasurable injury to the town or there will be so few people visit the area, as the bill S. 857 implies, that the cost of its acquisition, maintenance, and administration would not be justified.

That separation of one part of the park in Chatham from the next nearest part by 14 miles defeats the desirable purposes of continuity for cohesiveness, traffic safety, maintenance, and administration reasons.

That it is unfair to make land concession to other towns but none to Chatham and is even more cruel since Chatham lost the approximate 3,000 acres of Monomoy to the Federal Government in 1944.

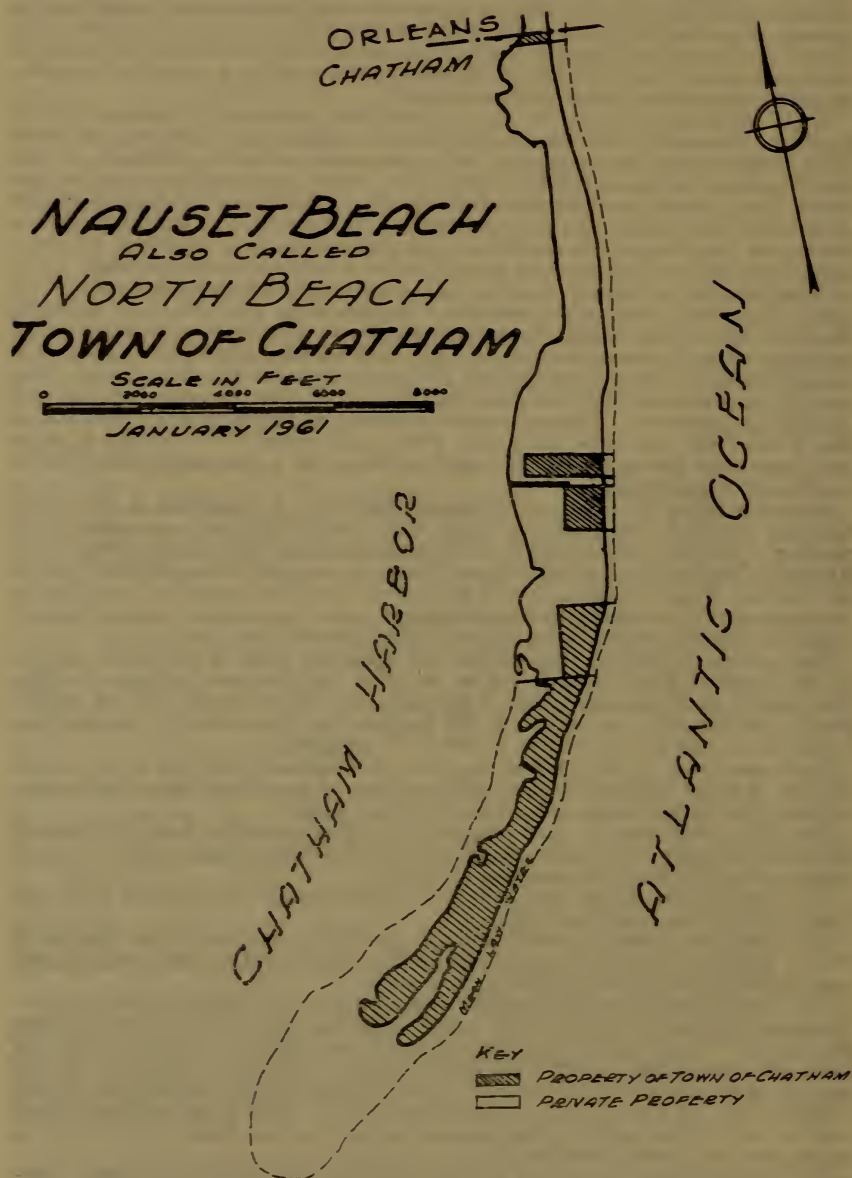
(1) That Morris, Stage, and Monomoy Islands should be excluded from any Cape Cod National Seashore Park.

(2) That the westerly, southwesterly, southerly, and northerly bounds of Nauset Beach to a point on the northerly side, delineated on an accompanying map, be established at the mean low water mark.

(3) That Monomoy be continued to be preserved in its natural, primitive condition, an excellent example of the constant changes wrought by nature on such projections of said spits and dunes into the ocean and as a superb retreat for those who are willing to suffer the inconvenience involved in reaching it for the sake of its seclusion and environment which will encourage spiritual and mental reflection for the Thoreaus of today and tomorrow. This is particularly important in view of the fact that the neighboring sand spit of Nauset Beach will be widely used for recreational purposes.

(4) That if preserved for its present purposes, and under its present management it can continue to operate on a comparatively modest budget which





ranges from \$6,868 in 1952 to \$19,130 in 1961. Whereas, if placed under national park jurisdiction, following the experience of Cape Hatteras, hundreds of thousands of dollars of Federal Government money might be spent on Monomoy and the area would still be at the mercy of frivolous and powerful nature.

(5) That at Cape Hatteras, whole towns were excluded from the park and this precedent could be applied to Chatham in relation to the Morris, Stage, and Monomoy Island areas.

(6) That Chatham is aware of its social responsibilities to the American public and has provided its best beaches for public uses, free of charge, from the tip of Harding Beach, with minor interruptions, almost to the Harwich border a distance of some 3 to 4 miles.

(7) That the Federal Government should accept Chatham's offer of 235 acres of town-owned land on Nauset Beach, as shown on an accompanying map, under the conditions voted at the annual town meeting of March 7, 1960—a copy of the article and vote of that meeting being made a part of the record of this hearing.

(8) That by accepting this proposal and making the aforementioned exclusions and boundary changes the Federal Government will be preserving for posterity a relatively unspoiled, typical cape township with about 200 original and restored Cape Cod cottages, colonial churches, windmills, monuments and parks and a scenic and comparatively unblemished shoreline. That through its own history of preservation and vigorous program to conserve open space and marsh areas, it is doing its part, at the local level, to cooperate with the program of the National Park Service.

(9) That because of its geographical location on the elbow of the cape, comparatively remote from the main cape traffic arteries, Chatham believes that it can achieve its own preservation objectives and implement the overall purposes of national park legislation if no national attraction is established within its mainland area, and that posterity will be better served as a consequence.

Respectfully submitted.

EVERETT C. SMALL,  
ROBERT A. MCNEECE,  
DAVID F. RYDER,

*Board of Selectmen, Town of Chatham, Mass.*

Senator BIBLE. Our next witness is Thomas J. Karens from Boston, Mass.

### STATEMENT OF THOMAS J. KARENS, ATTORNEY AT LAW, BOSTON, MASS.

Mr. KARENS. My name is Thomas J. Karens. I am an attorney at law with offices at 31 Milk Street in Boston. I represent Edward R. Noyes and Maude Noyes as they are trustees of the Morris Island Trust, probably the largest single landowner affected by the proposed legislation.

I wish to adopt in substance the able argument of Mr. McNeece. This land is in Chatham and we are in complete sympathy with the objectives of the town of Chatham. I do not wish to take too much time, but I just want to point out two or three things which have come to my mind as I sat through these hearings and the hearings before the House committee.

Mr. and Mrs. Noyes are not real estate developers or speculators. If we were, we would probably be delighted to take the \$1 million, the figure that has been estimated as the value of this island.

My experience with land damage cases in 14 years in Massachusetts indicates that that figure is not out of line. Mr. Noyes is an executive of the United Shoe Machinery Corp., and he is associated in this venture with his son who is a vice president of the Massachusetts Indemnity Insurance Co. This is not their business. They are long-time Chatham residents. Mr. Noyes, Senior, is about to retire.



Senator BIBLE. Let me get this in proper perspective again, if I may, Mr. Karens. They own which island?

Mr. KARENS. Morris Island.

Senator BIBLE. Would you point that out?

Mr. KARENS. It is the area down as far as the open space which begins Monomoy Island which comes off the plan.

Senator BIBLE. Morris Island is to the left?

Mr. KARENS. There is another owner of a portion of Morris Island. It is called Stage Island, but it is all one island. The Noyes own the bulk of it. The Stage Island development is owned by some people named Davis whom I do not represent, but whom I know are not speculators or developers of real estate. They are residents of the town of Harwich, next door.

The primary purpose of Mr. Noyes' acquiring this property in 1956 was to live there. His house will be the first house built there. His son's will be the second house built there. He has planned this development with the town of Chatham from its very inception.

Senator BIBLE. He acquired this land when—1956?

Mr. KARENS. 1956. He has worked with the town of Chatham, with the planning board, with the selectmen. As Mr. McNeece pointed out, there are restrictions on the use of these lots which are very stringent, cutting trees, the type of architecture, the size of the lots, the way the houses face—all have been worked out in conjunction with the town.

Senator BIBLE. What is on the ground as of today?

Mr. KARENS. On the ground the roads are in, the lot stakes are in. These lots would have gone on the market in the spring of 1959. In March of 1959 the Park Service proposal first came to light in its brochure form and much to everyone's surprise on the cape, and I do not mean just in Chatham, it included Morris Island.

Senator BIBLE. Had it been included in earlier proposals of the Park Service?

Mr. KARENS. As I understand it, the first legislation proposed included everything from the elbow of the cape up, practically the whole town. So I think the answer probably is "Yes" to that. It has been in every piece of proposed legislation since.

It has, in the legislation before you, been limited now to the bird sanctuary purpose. I would like to comment on that. This was brought up by Congressman Keith this morning.

Less than a year ago in the Saltonstall-Kennedy bill, this was to be a tenting area, a campsite. Mr. Wirth said this morning that now it has been discovered that it is one of the most important nesting areas on the New England coast.

I realize that these are probably continuing studies and that maybe some more evidence has come to light. But I would like to point out that in 1954 the Wildlife Service, which controls Monomoy, owned 29 acres of Morris Island which, at that time, they decided they did not need for the preservation of wildlife, and returned it to private ownership. So my feeling is that the bird sanctuary idea is basically not realistic.

Senator BIBLE. What has it actually been used for? What has Morris Island actually been over the course of the last 25 years?

Mr. KARENS. For the first 20 of those 25 years it has been an island. You had to row out to it and it has just been sitting there. Within the last 5 years—

Senator BIBLE. Do birds get in there pretty good?

Mr. KARENS. The birds had it all to themselves in that period.

Senator BIBLE. It was a true sanctuary until 5 years ago?

Mr. KARENS. I would say so, yes, up until 5 years ago. So was Monomoy, as a practical matter. I do not wish to take any more of your time other than to say that as I understand the purposes of national parks, they are to prevent commercialization and they are to save not only the actual ground, but to save the atmosphere.

What is proposed to be done here is in no way going to derogate from the atmosphere of Cape Cod as it has been and as we hope it will continue to be. Thank you very much.

Senator BIBLE. Thank you.

The next scheduled witness was to be Mr. Joseph Penfold, conservation director, Izaak Walton League.

His statement will be included and made a part of the record.

(Mr. Penfold's statement follows:)

STATEMENT OF J. W. PENFOLD, CONSERVATION DIRECTOR, THE IZAAK WALTON LEAGUE OF AMERICA, INC.

Mr. Chairman, I am J. W. Penfold, conservation director of the Izaak Walton League of America. The league is a national citizen organization dedicated to the conservation and wise use of the Nation's natural resource wealth—its soils, woods, waters, wildlife and the opportunities for wholesome and invigorating outdoor recreation which these resources provide.

The league, Mr. Chairman, believes that our country too long has delayed in acquiring and preserving under sound management plans, adequate and substantial examples of our Atlantic, gulf, and Pacific coasts, and shorelines of the Great Lakes and inland waterways. Surveys already completed by the National Park Service and some of the States bring these woeful lacks into focus and clearly demonstrate the urgent need for action.

At the last annual national convention of the league, held in Minneapolis, June 1960, the more than 500 delegates present from all parts of the country, unanimously adopted the following resolution which, I believe, adequately sums up our overall attitude about shoreline legislation:

"SAVE OUR SHORELINES

"Whereas investigations by Federal, State, and local agencies and private groups reveal that the natural scenic, scientific, biological and recreation values of America's shorelines along the Atlantic, Pacific and gulf coasts and along the Great Lakes and inland waterways are disappearing in a tidal wave of industrialization, development and urban sprawl, or otherwise are being made unavailable for public access, use and enjoyment; and

"Whereas this trend will inevitably accelerate under the pressures of population increases and an expanding economy even as these same pressures multiply the total public need for high-quality shoreline opportunities; and

"Whereas this dilemma can be solved only by public action, at Federal, State, and local levels, to implement a coordinated and dynamic national program to 'Save our shorelines' to acquire suitable shoreline areas, while that is still possible, for dedication to the public for recreation, scenic, scientific, and biological purposes; and

"Whereas most of these areas, though not of national park caliber, are nonetheless urgently required to meet national demands for appropriate and seasonally balanced forms of public recreation, including but not limited to picnicking, fishing, boating, camping, swimming, hiking, nature observation, and the hunting of migratory waterfowl and upland and big game species consistent with applicable State laws and regulations; and



"Whereas the growing public awareness of the problem is attested by a considerable number of specific legislative proposals now before the Congress, and by publicly announced program of action developed by several States and now under consideration by such States: Therefore be it

*"Resolved*, That the Izaak Walton League of America in national convention assembled in Minneapolis, Minn., this 25th day of June 1960, commend the executive branch of the Federal Government and sponsors of shoreline legislation in the Congress, the Senate and House Interior and Insular Affairs Committees, and other Members of Congress for their support and assistance in furthering such a national shoreline program; and be it

*"Resolved further*, That the Izaak Walton League of America commend the States and State officials for their assistance in furthering shoreline objectives at the State level; and be it

*"Resolved further*, That the Izaak Walton League of America urge early establishment by Congress of the Cape Cod, Padre Island, Oregon Dunes and Point Reyes National Shoreline Areas; and urge an expedited program of study by agencies of the executive branch, in coordination with the States, of other suitable shoreline areas for establishment under Federal or State programs; and be it

*"Resolved further*, That the Izaak Walton League of America lend its full support at National, State, and local chapter levels to further 'Save our shorelines' objectives through Federal, State, and local programs."

We would like to commend the committees for taking up the Cape Cod proposal so early in the session. It is certainly one of the most significant opportunities remaining to us. I wish such a measure had been considered and enacted at the time I first had the chance to spend a few weeks vacationing on Cape Cod—that was more than 30 years ago. We would have had a far less disturbed and developed area today, and the costs of public acquisition would have been but a tiny fraction of what they will be today. But we must recognize that costs today will be but a fraction of what they surely will be, should we put off action to some time in the future. So, we earnestly urge that Congress take favorable action and as soon as possible, not only on the Cape Cod legislation but on other prime shoreline proposals which are also before this Congress.

The Izaak Walton League would like to make two suggestions for your consideration.

First, A matter of name, and surely the public value of the area will be the same, regardless of the designation given it. But we believe that in the long run the kind of designation given Cape Cod, and the others, may be important.

As mentioned, the league is hopeful that Cape Cod, following the pioneer and highly successful Cape Hatteras National Seashore Recreation Area, and followed by several other seashore, Great Lakes and inland waterway areas, will become part of a category of special areas within the national park system. Within the system we have the national parks, the national monuments, national historic sites, national battlefield parks, national historical parks, and others, each established for a different set of purposes and within a different set of criteria. The national shoreline recreation areas, like Cape Hatteras, like Cape Cod and the others we hope will be established, will form a category which has similarities with all the other categories within the national parks systems but will have some basic differences, too. They are being established to protect and preserve them in as nearly natural condition as possible of course, but importantly also to provide shoreline recreation for increasing numbers of outdoor-minded Americans.

Because we are so late in moving on this national program, the areas which remain and still retain in a major way something of their original natural condition, will inevitably include activities and developments which would be inappropriate in national parks—among them towns, business establishments, industry, oil wells, livestock operations, and other commercial activities. We regret that the areas were not acquired at an earlier date so these nonparklike activities and developments would not be there. But, such wishful thinking is unrealistic. We know that the areas will not be acquired and will not be available to serve their remaining and splendid public values, unless we accept such.

It would be unfortunate, if over the years, however, we permitted, through confusion of names, misunderstandings as to what is acceptable in shoreline recreation areas, and what is acceptable in parks, to permit our national parks to deteriorate.

We suggest, therefore, that Cape Cod and others we hope may be established, be designated shoreline recreation areas we believe such a designation more

aptly and accurately describes the area and the activities and purposes for which established.

Second. A major problem facing the outdoor recreationist who hunts is finding a place where he can hunt. This situation worsens every year. As a matter of principle, sportsmen and game and fish administrators hesitate to accept programs which would lessen areas to which the hunter can have access. The International Association of Game, Fish & Conservation Commissioners at its annual meeting in Denver last fall adopted a very strong resolution on this subject. I presume a copy of that resolution is in the committee's file. If not, I'll be glad to obtain one for you.

We believe it important that hunting be permitted in shoreline recreation areas at such times and in such places as appropriate and compatible with other shoreline recreation activities.

Game and fish from the very beginnings of our country have belonged to the people of the State in which they are found. I doubt that there is any State right which is more jealously and zealously guarded. We believe shoreline recreation area legislation should invariably make it clear that hunting and fishing within a shoreline area shall be under the jurisdiction of the appropriate State agencies and under regulations established by them.

We suggest, consequently, an amendment to section 9(d) so that it will read in some such fashion as this:

"Hunting and fishing, including shellfishing permitted by the Secretary on lands and waters in the shoreline recreation area which are under his jurisdiction, shall be within such regulations as shall be established from time to time by the appropriate agency or agencies of the Commonwealth of Massachusetts.

"The Secretary shall consult with the appropriate agency or agencies of the Commonwealth of Massachusetts prior to designation of such portions of the shoreline recreation area within which hunting and fishing, including shellfishing, will be permitted, and prior to establishment of such additional regulations and restrictions as may be necessary to assure compatibility with other recreation activities of the shoreline recreation area."

We believe some such language would provide a firm and workable base for the kind of cooperation necessary to make this shoreline program an outstanding success.

In conclusion, Mr. Chairman, we respectfully urge your early and favorable action on the Cape Cod legislation. And, we express our appreciation for the privilege of presenting our views to this committee.

Senator BIBLE. The next witness is Orville Crowder, of the National Parks Association.

#### STATEMENT OF ORVILLE CROWDER, NATIONAL PARKS ASSOCIATION

Mr. CROWDER. Thank you. I will submit the statement, if I may, but I would like to make a few remarks about it.

I am Orville Crowder, of the National Parks Association. The National Parks Association, as you know, makes objective studies of proposals for national parks, and it has done that in connection with Cape Cod and feels strongly that after this careful investigation that the park should be added to the park system generally as proposed in the bill under consideration, with certain modifications.

One point we have noted in the statement and would like to emphasize is that the references to the inclusion of permission to do some hunting and fishing on a park area in this bill are the sort of thing with which the parks association looks with a fishy eye normally, and is strongly opposed to in the major national parks, the primeval parks.

It is doubtful about their advisability on any park service area, but in this case the conditions seem to be quite different from those in other areas and, within the limitations proposed in the bill, we do not feel that this is an insurmountable difficulty.



If the restrictions are not changed, it would be acceptable. So we are not taking exception to that.

I might make a note that in this conversation about birds recently, and this is partly my field, the presence of people and more planting means more birds, but not the species we are concerned with on the outer reaches and beaches of the cape. Therefore, I do not believe that more people and more houses would help the bird situation, the particular bird situation in which you are interested.

However, as far as Monomoy is concerned, the parks association has some doubt about the desirability of including Monomoy Wildlife Refuge within the proposed park and we see no reason why it should not be eliminated since it is well protected as it is.

We are not happy to see the changes in the bill that contract the area generally, and feel that this is a concession to the developmental pressures on the cape; that enough concessions have already been made in this respect and that these developmental pressures are the things that should be resisted as far as we can because it is precisely a defense against them that involves or makes necessary the creation of the park.

I think those are the only specific points I would like to bring out. The rest are in the statement.

Senator BIBLE. Thank you very much, Mr. Crowder.

(The statement of the National Parks Association is as follows:)

#### STATEMENT OF THE NATIONAL PARKS ASSOCIATION

The National Parks Association appreciates the invitation to present its views to the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs with respect to the proposed Cape Cod National Seashore Park.

The association is a national conservation organization with headquarters at 1300 New Hampshire Avenue NW., Washington, D.C. It is an educational and scientific association founded in 1919 by Stephen T. Mather, first Director of the National Park Service. It undertakes, among others of its responsibilities, to make objective studies of proposals for the enlargement of the Federal system of national parks and monuments and to determine whether areas are of a caliber for inclusion in the system.

The association recommends quite strongly, after careful investigation, that the proposed Cape Cod National Seashore Park be added to the system of parks and monuments, generally as proposed in the Saltonstall-Smith bill, S. 857, with certain modifications.

There is great need for the protection of representative examples of the original beaches and shorelines of America before they are monopolized by private real estate development. It is only a short decade or two, as shown by Park Service studies, since there were many hundreds of miles of open shoreline along the Atlantic, the gulf, the Pacific, and the Great Lakes, which were freely available to the general public for recreational purposes. Subdivision and other private development have been crowding the public out of these seashore areas very rapidly; unless vigorous action is taken promptly to protect the remainder, the opportunity to do so will soon be gone forever.

The scenic, recreational, artistic, and scientific resources of the outer arm of Cape Cod are unique in America and quite irreplaceable. A substantial amount of the region is in public ownership and should remain that way; unified management by the National Park Service is desirable. The present private holdings, both in the settlements and in the more open country are, in large part, completely compatible with the protection of the traditional values of the area. Much of the present residential value of these holdings, particularly in the open country, is dependent on the prevention of indiscriminate subdivision and overcrowding.

There is considerable wildlife which also ought to be protected against urbanization, including a large population of resident shore birds, migratory water-

fowl, marine life, and game animals. The habitat of this wildlife can be preserved only by preventing the excessive construction of roads and buildings; this is important from the point of view of both hunting and the preservation of flora and fauna for artistic and scientific purposes.

We note that the proposed legislation gives the Secretary of the Interior discretion to permit hunting and fishing in the proposed park under such regulations as he may prescribe. It also empowers him to enter into cooperative agreements with officials of the Commonwealth of Massachusetts and its subdivisions with respect to such hunting and fishing, and we take it this means that he may authorize the State to regulate such hunting and fishing.

The National Parks Association is firmly opposed to opening any of the great primeval national parks, present or prospective, to public hunting. We consider that the National Park Service has ample authority to control game populations by the use of its own personnel where they become a danger to ecological balances.

Indeed, the National Parks Association has taken the position that only in unusual circumstances would it lend its approval to opening other areas within the national park system, such as the prospective national seashores, to public hunting.

In view, however, of the great need for the establishment of the Cape Cod National Seashore before real estate speculation destroys it, the association considers that unusual circumstances do in fact exist in this case which justify giving the Secretary the discretionary authority provided for in this bill. We would add only that we would oppose any amendments to the bill which would in any manner weaken the authority of the Secretary as now provided therein, to withhold his approval for such activities and to decline to enter into cooperative managerial arrangements with the Commonwealth and towns.

We testified in December 1960 in regard to an earlier bill, H.R. 9050, that any approval for hunting within the Monomoy Wildlife Refuge should be subject to the recommendations of the Director of the Bureau of Sports Fisheries and Wildlife. On further consideration, we would urge that public hunting be excluded from the Monomoy Wildlife Refuge and any other wildlife refuges which may be established. There is hope that certain species of migratory waterfowl can be reestablished at Monomoy; the importance of doing this transcends any importance hunting may have in the refuge.

In regard to any other recreational use of the Monomoy and other refuges, there should be a provision requiring the approval of the Director of the Bureau of Sports Fisheries and Wildlife; only wildlife experts can determine whether recreational uses interfere with wildlife protection.

Indeed, we have considerable doubt as to the desirability of including Monomoy Wildlife Refuge within the proposed park and would see no reason why it should not be eliminated; this area is well protected as it is.

We are happy to see that the current version of the Cape Cod Seashore bill does not contain the provisions of the older version in House and Senate whereby additional residential development might take place within the boundaries of the proposed park up to an acreage of 10 percent of the privately owned properties in the park in each town. We have contended that this 10-percent clause was unworkable and in conflict with the basic purposes for which the park is to be established.

This change will make the legislation feasible, and the collateral zoning arrangements will also become workable; in a statement submitted to the House Committee on National Parks a few days ago, we have urged that the comparable legislation in the House be amended to conform with the Senate version.

We are not as happy, however, to see the changes in the Senate legislation which will result in the contraction of the area of the park. While one or two of the changes appear to reflect boundary adjustments of a practical administrative nature, others seem to be concessions to the developmental pressures on the cape; we feel that these pressures should be resisted insofar as possible, because it is precisely as a defense against them that the park is needed.

We do not quite understand, for example, why the national seashore in the vicinity of Provincetown should be pulled back to exclude areas of State-owned province lands; we have recommended, on the contrary, that the seashore be extended to the main line of Route 6, in order to protect several attractive freshwater lakes.

The areas excluded from the proposed seashore in the earlier version were very extensive and made ample provision for the expansion of the settlements. The zoning provided for by this bill should make good land-use planning possible



within the areas originally provided for the settlements in this legislation. To scatter the communities out across land which ought to be reserved as the primary attraction of this part of the cape, the seashore park, does not make sense from either a protection or development point of view.

The boundaries set forth in the earlier bill allowed plenty of room for development. In Provincetown a substantial amount of land was excluded from the park; around Truro and North Truro about one-third of the width of the cape was excluded, and a very substantial additional area would now be allowed; around Wellfleet and South Wellfleet large areas, amounting to one-half the width of the cape were allowed for development, and the concessions made in the current bill are unnecessary; and from South Wellfleet on down the cape, the proposed park narrows to little more than a stretch of open beach. There is plenty of room for the settlements to grow indefinitely, particularly if they plan their development with the aid of modern zoning ordinances, such as the bill contemplates.

With the proposed zoning arrangements and the protection accorded to existing residential holdings thereunder, we are in substantial agreement.

We would urge that the authorizations of funds for land acquisition be examined carefully. If we are to have a park, it should be of an area adequate for its purpose. No reasonable authorizations or appropriations should be denied.

There is growing anxiety among residents of the cape and protectors of the national park system throughout America that the cape will be destroyed by subdivision and bulldozing unless the Congress acts promptly to enact this legislation, and we urge this subcommittee, the full committee, and the Senate to move forward with the utmost expedition.

Senator BIBLE. Our last witness is Mr. Van Ness Bates, from Boston, Mass.

#### STATEMENT OF VAN NESS BATES, BOSTON, MASS.

Mr. BATES. Mr. Chairman, I am Van Ness Bates, head of my own planning and research association in Boston. We filed research reports at Eastham last December and a new report yesterday with the House. It was prepared and addressed to the House because when it was being written up we did not realize the Senate was going to hear it this same week.

Senator BIBLE. It may be understood that you would not have time to revise that report in accordance with the fact that you are now before the Senate instead of the House. The record will be received as though it were addressed to the Senate subcommittee.

Mr. BATES. Thank you. The statement in the second report, we would hope, could be included in full in the transcript of these proceedings. We have prepared copies of both reports for all members of your subcommittee and would appreciate your permission to have them distributed accordingly.

Senator BIBLE. The report will be incorporated in full in the record. (The statement and report submitted are as follows:)

#### AMERICA'S "RURAL RENEWAL REGIONAL" PARKS

Statement of Van Ness Bates, Executive Vice President and Planning Consultant, for the Massachusetts Improvement Association, Boston, Mass.

Mr. Chairman, the Massachusetts Improvement Association is a nonprofit, nonpartisan civic organization whose purpose is to promote the welfare of the Commonwealth. Its predecessor was the Metropolitan Improvement Association, established in 1923 to promote the welfare of the metropolitan district of Massachusetts; and to aid, in a civic way, the activities of the newly created Division of Metropolitan Planning within the Metropolitan District Commission.

When the division was abolished in 1935 and the State planning board created, we changed the first name of our organization from "Metropolitan" to "Massa-

chusetts," and expanded our purpose and activities accordingly. We are now incorporating and enlarging our directorate and membership.

Now, for the first time, our association has entered the field of national affairs because at least five and perhaps several more of what we conceive as a new category of public service parks to be known, we suggest, as "regional" parks—State controlled and Federal aided—would appear to be indicated within the boundaries of Massachusetts. (See exhibit C map appended.)

As we conceive it, the proposed Cape Cod park is superbly qualified to become the first in a nationwide system of "regional" parks. It must therefore be evident that, while we endorse the concept of a proper park for public service and preservation of essential natural resources on Cape Cod, we must logically and emphatically oppose the bills now before you and suggest, instead, your favorable action on an alternative program as follows:

1. We believe that a proper Cape Cod park should provide for the preservation of conservational essentials without impairing community economies and ways of life. It should also provide for mobile recreation by an adequate system of parkways and such other forms of recreation as may be found consistent with essential conservation. We therefore propose, Mr. Chairman, that your committee hold the bills before you in abeyance. This, we urge, pending an immediate investigation of the concept of "regional" parks we have envisioned under a national policy program of "rural renewal."

2. We further propose that a pilot study be made of the 22,000-acre modified park we have detailed in our study and report of December 7, 1960, entitled "The Cape and the Park," and submitted to the House Subcommittee on Public Lands at Eastham, Mass., on December 16. We also suggest that this pilot study include study of our proposed 8,250-acre Gosnold Park (Elizabeth Islands, township of Gosnold, Dukes County) and our proposed Pilgrim Park (Plymouth and Barnstable Counties) which may involve as much as 45,000 acres. These two potential regional parks will, in our considered opinion, have a direct and beneficial effect upon the desirable size and development of the Cape Cod Park; and also provide for a much more manageable distribution of the vast visitor increase to be expected in southeastern Massachusetts when any parks are created.

3. We now suggest for your consideration the establishment of an ad hoc regional park commission to be composed, perhaps, as follows: Two Senators, two Representatives, a designee of the Governor of Massachusetts, the State senator for Cape and Plymouth, the Massachusetts commissioner of natural resources, the Chairman or his designated deputy of the ORRRC; the Director or his designated deputy of the National Park Service, a designee of the National Parks Association; and the Secretary of the Interior or his designated deputy as chairman, ex officio, of this ad hoc commission, as an administration policy of a program of rural renewal is clearly involved or implied.

4. We finally propose that any such ad hoc commission be immediately constituted; be allowed an adequate appropriation for staff, travel, consulting services, and other usual expenses; be directed to work in closest cooperation with the ORRRC; and make at least a progress report to Congress within 90 days with recommendations for legislation, if any.

Now, Mr. Chairman, without debating any phase of the proposed Cape Cod Park as presented, pro and con, to your committee, we wish only to state our belief that the area involved is uniquely complex in conformation, relative high density of population, traffic problems, economic factors, management matters, and property ownership and related affairs.

We thus believe that this area on lower Cape Cod is not indicated as appropriate as an orthodox national park. Instead, we believe, it is indicated as an excellent example of what we term a "regional" park—State controlled with Federal aid—approximately as outlined on exhibit A map appended and further detailed in part I of "The Cape and the Park."

As the concluding part of this statement, Mr. Chairman, we do not presume, of course, to anticipate the findings of any such representative commission as we propose. However, from our own extensive studies and our careful perusal of the January "Progress Report" of the ORRRC, we do feel it might help your committee to visualize the potentialities of such an ad hoc commission study by summarizing several of the findings that we would hope would materialize, as follows:

1. That a national policy and program of rural renewal is required.



2. That a system of regional parks should be the basis of such a program of rural renewal.

3. That the concepts of the Massachusetts Improvement Association for a system of regional parks are basically sound, and that the legislation proposed, with technical and legal revisions, is logical.

4. That the Cape Cod Park should be a regional park.

5. That such categorization of the Cape Cod Park and its acquisition by the Commonwealth of Massachusetts with two-thirds Federal aid will save the Federal Government many millions in money and innumerable and unwarranted conflicts with property owners and citizens; and that such matters are constitutionally more proper and advisable to be handled by the several sovereign States.

6. That the Cape Cod Park, because of imminent and increasing need to protect certain essential conservation areas from despoilation, should be immediately constituted as a regional park with Federal aid on a modified boundary basis as herein proposed (exhibit A).

7. That the proposed Gosnold and Pilgrim Parks are definitely related to the whole "Cape and Plymouth" area problem; and that they, too, should be established as regional parks at the earliest possible opportunity.

8. That the National Park Act of 1916, as amended to date, should be further amended by a new section to be titled "Rural Renewal Regional Parks," along the lines of a draft appended hereto as exhibit B.

9. That practically every congressional district will probably require one or more regional parks within the present decade, especially those congressional districts containing or adjacent to a metropolitan area.

10. That finally, and in consequence of the foregoing, the ORRRC—which already has so much pertinent and reliable data in hand—should be extended (in modified form if expedient) to undertake a special 6-month nationwide study of potential regional parks and make a report thereon with recommendations by June 30, 1962.

Mr. Chairman, in closing it may be of interest to appreciate that the "Progress Report" of the ORRRC, issued in January, indicates (table 2, p. 20) that there are some 193 areas classified as "Federal park agency" properties with an average acreage of approximately 93,600. But there are 1,758 areas classified as "State park agency" properties. These, however, average only 2,900 acres. The 11 proposed "regional" parks we have studied in eight counties of Massachusetts, Rhode Island, and Connecticut, and Suffolk County, N.Y. (see exhibit C for listings) range from 3,200 acres to 45,000 acres. They average about 13,600 acres—too great for a State to handle without Federal aid, yet far below the average for true national parks.

We therefore submit, Mr. Chairman, that this initial research of ours clearly indicates the probable logic of establishing a new category of public service conservation and/or recreation areas of low density but related to the service of high density or metropolitan areas. We respectfully urge that the program we propose be favorably considered; and we wish to express our appreciation for the privilege of presenting this statement and exhibits—harbingers, we trust, of a new and finer era for our country—to your Committee on National Parks.

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MEMORANDUM AND REQUEST TO THE SELECTMEN AND PLANNING BOARDS OF CHATHAM, EASTHAM, ORLEANS, PROVINCETOWN, TRURO, AND WELFLEET

#### MEMORANDUM

1. The Massachusetts Improvement Association transmits herewith a copy of "America's 'Rural Renewal Regional' Parks," comprising a statement prepared for presentation to the House Subcommittee on National Parks at their hearing on the proposed Cape Cod Park at Washington, March 6, 1961. This statement and its four exhibits supplements and advances major elements of our report of December 7, 1960, entitled "The Cape and the Park," containing some 110 pages. We prepared 350 bound copies of this major report; most have been distributed; and a number have been retained for further distribution or loan upon request.

2. In part V of this report our draft of a greatly simplified Cape Cod bill provided for a substantially but not excessively modified park which would still be a national park—federally owned and operated. In part IV, page 4 we asked however, if the most advisable Cape Cod Park should not honestly be more in the nature of a regional rather than a national park. The appended statement clarifies the distinction.

After very careful consideration of all factors, we would substitute for the bills now before Congress, a legislative draft of a new section to be added to the National Parks Act of 1916 as amended. (See exhibit B of documents appended.) This would permit the Cape Cod Park to be established as the first of a nationwide system of regional parks—great public service parks under State control with Federal voice and Federal aid on one hand, and the voice of the county concerned and the people thereof on the other hand.

3. We are deeply persuaded that this new type or category of park would provide the best possible method for you and your constituents to endorse and support (a) to preserve essential conservational areas; and (b) to preserve and fortify your municipal economic bases and ways of community life.

4. Cape Cod—and related areas—are clearly on the verge of a new era of conservation, recreation, traffic supplementation, increased visitation, extended tourist season, more year-round residential occupancy, economic changes and advancements, etc. You know this as well as we do.

The crux of the whole matter is (a) what is the most advisable size, type, and usage of a Cape Cod public service park; and (b) to what extent would 8,000-acre Gosnold and 45,000-acre Pilgrim (Plymouth area) regional park increments in southeastern Massachusetts justify substantial modification of a Cape Cod park. Entire justification, we feel.

5. Sanguine as to your thus justified and essential help, we intend to do our utmost to induce Congress to cause the regional park concept to be officially studied at once. We are optimistic that favorable action should and will ensue. But we must all work together for this most desirable, in fact, vital objective. Such an immediate study is all the more indicated, moreover, because neither the economic study of Cape Cod nor the regional aspects of the ORRRC report will be available before the end of 1961.

From careful study of last year's Economic Development Associates report on the lower cape, however, and recent examination and analysis of the ORRRC progress report issued in January, it seems more and more apparent to us that the regional park concept we have originated and advanced is thoroughly sound and may well be applied to practically every congressional district in the Nation.

6. We therefore invite your consideration and cooperation on this matter of such major importance, both to Massachusetts and to the United States. To that end we have a first suggestion and request to make as follows:

#### REQUEST

1. Our concept of "regional" parks within a national policy and program of "rural renewal" calls for the same principle as in urban renewal—Federal, two-thirds; State (instead of city), one-third of acquisition costs. We would reverse this ratio for operation and maintenance—a new technique—because of the obvious continuing concern of the Nation as a whole in these regional parks. These, very likely, will be used about two-thirds by the special region to be served and one-third by others from adjacent regions and elsewhere.

For example, we might expect the Cape Cod park to be two-thirds used by eastern Massachusetts and Rhode Island, and one-third by the rest of New England, and others. (Such ratios are of course, surmises, but the ORRRC is compiling a great deal of reliable data on these and related matters.)

2. Now, gentlemen of the lower cape, please assume for present purposes that our unmodified Cape Cod park plan (see exhibit A of documents appended) may be approved. You, the Massachusetts Improvement Association, the Congress, and the Commonwealth would all be greatly interested to have your tentative estimate of the following:

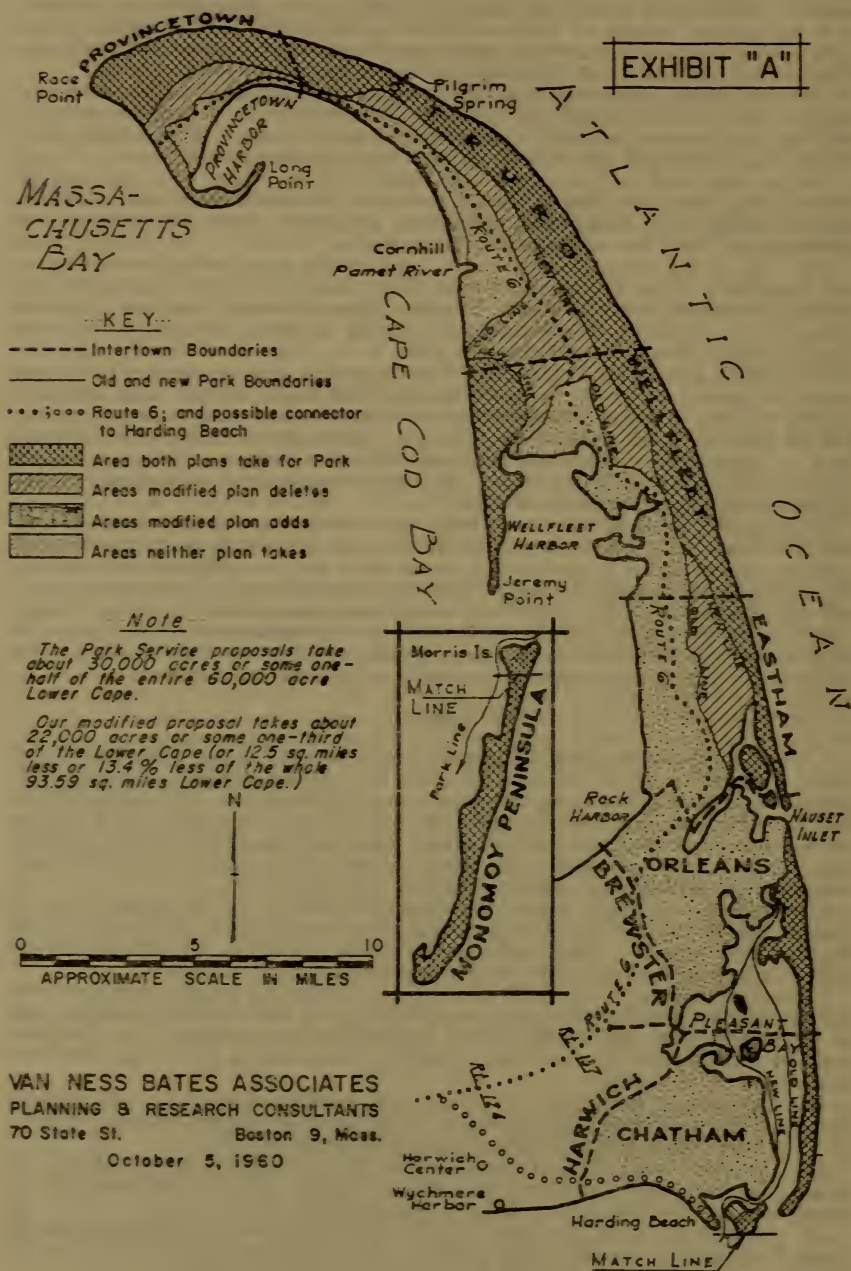
(a) Cost of total acquisition, by towns, with notation of areas already publicly owned, of our modified 22,000-acre plan to the nearest million dollars. (Part I of "The Cape and the Park" gives sufficient boundary data.)

(b) Cost in dollars to the Commonwealth of its one-third share, taking into account dollar credits for acreage already owned by the Commonwealth or acquirable, without cost, from county or town holdings.

(c) Comparative cost, by towns, of total takings for the revised new National Park Service 1961 plan for 29,000 acres. (Also comparative extent of economic injury to your town by the NPS plan as compared with ours.)

3. Your cooperation to obtain tentative estimates for the forthcoming congressional hearings is indispensable. We all care deeply for Cape Cod and we wish to see it preserved for a prosperous and happy future in the best and most advisable way.





VAN NESS BATES ASSOCIATES  
PLANNING & RESEARCH CONSULTANTS  
70 State St. Boston 9, Mass.

October 5, 1960

## EXHIBIT B

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A SYSTEM OF REGIONAL PARKS  
UNDER A NATIONAL PROGRAM OF RURAL RENEWAL (SECOND DRAFT)

*Be it enacted by the Congress, etc.,* That the National Parks Act of 1916, as amended, is hereby further amended by the inclusion of a new section X to read as follows:

## "SECTION X. RURAL RENEWAL REGIONAL PARKS.

"The National Park Service and the departments of conservation or natural resources of any States which shall enact enabling legislation consistent, in the opinion of the Secretary of the Interior and the Attorney General of the United States, with the provisions of this section shall jointly develop a system of regional parks for public service under a hereby designated national program of rural renewal.

"Such parks shall essentially consist of areas of relatively low density of population adjacent, or reasonably accessible by existing or feasible routes, to areas of relatively high density. These parks shall be of such size and location, and of such conservational and/or recreational value as to warrant, in the judgment of the National Park Service, Federal aid under a program of rural renewal for the benefit of the Nation and the several States and the people thereof.

"Upon certification of any such park to the Secretary by the National Park Service and the State commissioner concerned, and the approval of the Secretary, the State shall proceed to acquire the park area by purchase, gift, or condemnation within two years of the approval date, or as soon thereafter as any court-contested cases are settled, and shall make appropriations for one-third of the costs thereof. The Federal Government shall provide two-thirds of the total cost of acquisition, except for preliminary expenses as in item 7 herein, from appropriations herein and afterward provided for.

"Such regional parks shall be administered by a commission of three members for each park comprising, ex officio, the following: The Regional Director of the National Park Service as chairman; the State commissioner concerned as vice chairman; and the chairman of the county commissioners concerned as secretary-treasurer, or, if no such county commissioners, then an official or resident of the general area involved appointed as said secretary-treasurer by the Governor of the State to represent the people and the local interests of the area within which the park is located. If the park be situated in two States or two counties, then there shall be two administrative districts established for the park.

"Present owners of property within such park areas or their spouses or surviving children may continue to lease back their rights of occupancy or usage in conformity with all State laws and municipal ordinances or bylaws at 3 per centum per annum of the price paid for their property; and shall also pay full local realty taxes and all other lawful assessments. Improvements may be made if approved by the administrative commission and paid for by public funds and leases back. After fifteen years such leases shall be subject to renewal for terms of not more than five years at a time at the discretion of the administrative commission. Sublessees shall not sublease at a profit to the lessee, and certification of any such sublease by both lessee and sublessee under penalty of perjury shall be required and notarized.

"In each calendar year before the 1st of March the administrative commission for each regional park shall submit to the Secretary of the Interior and to the Governor of the State concerned its estimate for the forthcoming Federal fiscal year for operation, maintenance, and improvements to the park. Upon approval thereof by the Secretary and the Governor, and appropriation by the State legislature of two-thirds of the cost thereof, the Federal Government shall contribute one-third of such costs.

"For the purpose of assisting the States in the acquisition of such public service regional parks under a national program of rural renewal during the next two Federal fiscal years the sum of \$200,000,000 is hereby appropriated. Five per centum of this sum is hereby reserved and allocated for rural renewal grants-in-aid of 50 per centum of approved estimates for joint National Park Service and State surveys, studies and preparation of plans for specific areas.

"Title to such regional parks shall be acquired by and be vested in the State concerned, and the State legislature shall establish such rules or regulations for regional parks within its boundaries as shall be consistent with the general



provisions of the National Parks Act of 1916 as amended, insofar as applicable. Such special legislation or rules and regulations shall be approved by the Secretary of the Interior."

The provisions of this Act are separable, and the invalidity of any section or part thereof shall not invalidate any other section or part thereof. This Act shall take effect upon its passage and shall be effective in the several States upon their acceptance.

## EXHIBIT C

### I. INTERSTATE 99

Exhibit C map appended was exhibit C of our December 1960, report entitled "The Cape and the Park". This map has been somewhat revised in order to show more prominently our proposed new Interstate and Defense Highway 99 to run from the multiple major highway conflux in the vicinity of Woodbridge, N.J., to Boston, Mass., via Staten Island, Long Island, Fishers Island, and Newport, R.I. The Fall River Expressway segment exists and the Narrows Bridge and the Long Island Expressway are under construction.

The principal "missing link" is the crossing of "the Race"—as the eastern entrance to Long Island Sound is known—by our proposed Chief Justices' Crossing, summarized, with draft of proposed tristate and Federal legislation in Exhibit D herein. A second "missing link" is the Lower Narragansett Bay crossing to Newport which we are proposing be by bridgeway and tunnel construction. (This proposal is being made in a separate study, now in process, entitled "Prospects and Proposals for Newport County", and scheduled for completion in the Spring of 1961. (Outline available.)

In this present study we have not attempted to duplicate the three pages of our report "The Cape and the Park" which explained all the annotations and symbols shown on exhibit C map.

### II. REGIONAL PARKS

Instead, we simply list below most of our P series of annotations. These are our proposed regional parks. These circled letters—PA to PZ—show approximate location, but not actual extent or conformation. A later study will outline the 11 regional parks we presently have in mind, throughout the coastal counties involved, on larger scale State maps. (Each park has already been studied on Government charts and geodetic quadrangle sheets). For this present study the following data is believed sufficient:

Suggested possible regional parks in "SENELIA" (southeastern New England-Long Island area). Name, location and estimated acreage:

1. PA-PE: Cape Cod Park; Barnstable County, and within six lower cape towns; 22,000 acres or slightly more.

2. PM-PN: Gosnold Park; Dukes County, entire township of Gosnold (Elizabeth Islands); 8,250 acres.

3. PFA-D & PG: Pilgrim Park; Plymouth County (parts of Plymouth, Kingston, Carver, and Duxbury), Barnstable County (part of Bourne); perhaps 45,000 acres, including 11,445-acre Myles Standish State Forest.

4. PO-PP: Vikings Park; Dukes County, parts of three townships on Martha's Vineyard Island; about 6,000 acres, including 4,400-acre State forest.

5. PKA-C: Massasoit Park; Bristol County (Mass.), parts of Fall River, Freetown and Berkley; possibly 10,000 acres, including 5,441-acre State forest.

6. PR: Narragansett Bay Park; Newport County, Prudence and Patience Islands, parts of townships of Portsmouth, R.I.; 3,930 acres.

7. PS: Great Swamp Fight Park; Washington County, parts of South Kingstown, Richmond, and Charlestown; 4,000 acres or more.

8. PU: Nathan Hale Park; New London and Middlesex Counties (Conn.), parts of several townships, both sides of lower Connecticut estuary and related Nehantic State Forest and other reservations; perhaps 12,000 acres.

9. PT: John Marshall Park; Suffolk County, N.Y. (entire Fishers Island), this is the main link on the proposed Chief Justices' crossing from Long Island to Connecticut and Rhode Island; about 3,200 acres.

10. PV & PZ: Montauk Park; Suffolk County, N.Y., to include Hither Hills and Montauk Point State Parks and Gardiner's Island State Reservation; about 15,000 acres.

# SOUTHEASTERN NEW ENGLAND AND LONG ISLAND

MAP TO SHOW VARIOUS EXISTING ROUTES  
AND PROPOSED ROUTES AND PROJECTS  
IN THIS REGIONAL AREA.

(Note: Alphabetical Annotations are explained  
on separate appended pages.) Bear  
Mt.

VAN NESS BATES ASSOCIATES  
PLANNING & RESEARCH CONSULTANTS  
70 State St. Boston 9, Mass.  
December 7, 1960

- PROPOSED "INTERSTATE 99", WOODBRIDGE, N.J.  
TO BOSTON, MASS. VIA LONG ISLAND AND NEWPORT  
(PART EXISTING AND PART PROPOSED)
- EXISTING OR AUTHORIZED
- PROPOSED HEREIN

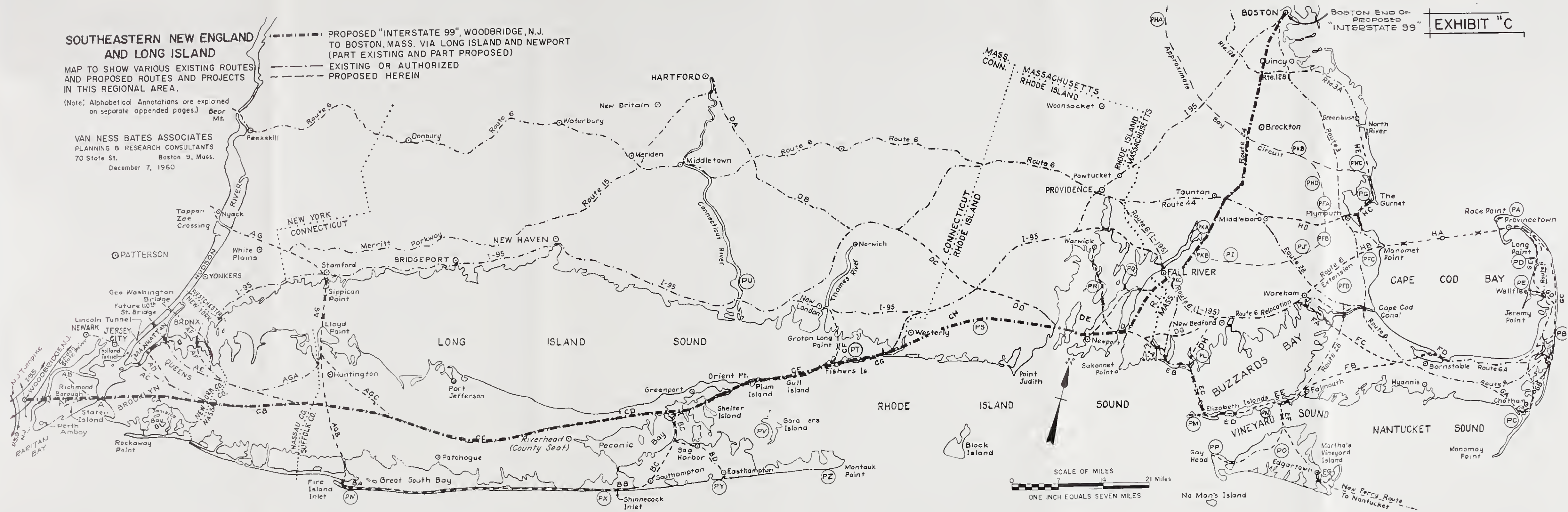


EXHIBIT "C"





11. PW-PY: Great South Bay Park; Suffolk County, N.Y., Fire Island State Park to and including Shinnecock Indian Reservation and possibly somewhat eastward; about 20,000 acres.

The tentative total regional park acreage in SENELIA is thus approximately 150,000 acres or about 234.4 square miles. This, in turn, however, is only about 5.7 percent of the total land areas of the 9 counties involved which had a 1960 population of 1,805,500 in 4,132 square miles for a density of 437 per square mile. Adjacent areas, including Greater Boston, Providence, New Haven, and New York, add over 20 million potential Park Service population.

#### EXHIBIT D

##### SENELIA<sup>1</sup> AND INTERSTATE 99

Exhibit C (regional map and three pages describing map annotations) of our report of December 7, 1960, entitled "The Cape and the Park" shows the location of the regional parks we propose throughout SENELIA (except for the lower Connecticut River Nathan Hale Park added since then).

We include Suffolk County, Long Island, N.Y., with our southeastern New England area for three reasons: (a) Suffolk County was settled by New Englanders and retains distinctive New England characteristics; (b) It will be directly connected to Connecticut and Rhode Island by the projected Chief Justices' crossing—the greatest bridgeway in the world—via Orient, Long Island, and Plum, Gull and Fishers Islands within 15, perhaps 10 years; (c) With this connecting link Suffolk County will become a part of a basic coastal American tourist region and the county development to be expected will probably be without parallel.

We are therefore appending this exhibit D on this vast project (first conceived, together with the Narrows Bridge, now under construction, by the present writer in 1924). The project, in the past several years, has been validated as warranting an early official study. This validation has been made by two separately outstanding and nationally known engineers with whom the writer has carefully conferred.

We now envision this great regional project as the fundamental link in a vast new and needed coastal defense, scenic tourist, and low-level seaward bypass trucking route to serve New England and the Middle Atlantic States. We would therefore add this as a 230-mile increment of the Interstate and Defense Highway System; and designated as Interstate 99, a so far unallocated number. The route would run from Woodbridge, N.J. (conflux of Interstate 95, U.S. 9, New Jersey 35 and the Garden State Parkway) across Arthur Kill and Staten Island and the Narrows, or Abraham Lincoln Bridge as we would like to have this nonmonumental structure named, the only name great enough to grace the "Gateway to America."

Continuing through Kings and Nassau Counties the route would run via the Long Island Expressway (under construction) to the Chief Justices' crossing and then, through southern Rhode Island, to cross Lower Narragansett Bay to and through Newport and cross the Lower Sakonnet estuary at Black Point. Then up the Tiverton shore and hinterland to the Fall River Expressway to Route 128; and finally into Atlantic Avenue, Boston, and expressways north and east via an extension over the right-of-way of the New Haven Railroad's midland division to South Bay and Fort Point Channel (see exhibit C map appended).

All this would constitute a trunk route of unquestioned interstate (five-State) caliber fully warranting 90-10 financing, with many millions of rebates to Massachusetts and New York for links already built to interstate standards on the 50-50 financial basis. This foreseeable vast coastal concourse, plus the 11 regional parks we propose, together obviously constitute a composite regional research study of an official nature to confirm and amplify those already made by the present writer and others. Appended is our Chief Justices' crossing proposed legislation which we seek to have introduced in Congress and the legislatures of New York, Connecticut, and Rhode Island.

<sup>1</sup> Southeastern New England-Long Island area: Boston to New York.



## EXHIBIT "D-1"

## AN ACT TO ESTABLISH THE "CHIEF JUSTICES' CROSSING" COMMISSION AND DEFINE ITS POWERS AND DUTIES

## PREAMBLE

Whereas the Atlantic seaboard from north of Boston, Massachusetts, to south of Washington, District of Columbia, is practically one continuous urbanized area embracing fifteen metropolitan areas; and containing the highest population per square mile in the United States and the greatest daily traffic mileage of any comparable area on earth; and

Whereas the principle of routing through traffic to the seaward side of metropolitan centers is well established; and has been or is being effected in varying degrees at Boston, Providence, New Haven, Bridgeport, Trenton, Philadelphia, Wilmington, and Baltimore, and now at New York by the construction of the great bridge over the Narrows; and

Whereas this seaward bypassing principle and the type of Narrows crossing now under construction were first definitely propounded and advanced in 1924 and officially advanced in a professional paper entitled "The Liberty Plan", delivered to the American Society for Municipal Improvements, now the American Society of Municipal Engineers, in November 1926; and which paper was cited by the Triborough Bridge Authority in 1949 as the origin of the present Narrows Bridge project, and in which paper the future desirability of a bridgeway system from Orient Point on the north fork of Long Island, New York, to Fishers Island, New York, via Plum and Gull Islands, and thence to Connecticut and Rhode Island was also proposed; and

Whereas today, modern techniques of bridge engineering assure the probable physical feasibility of such a bridgeway system; and the basic problem is therefore as to when such a crossing will become economically expedient, and what measures should be taken meanwhile to relate current major projects and developments economically and to best advantage to such a validated future facility; and

Whereas it has been further proposed that such a crossing with its estimated fourteen or more major bridges and viaducts, connecting New England and the Middle Atlantic States which regions, together, have contributed six of the fourteen Chief Justices and forty of the ninety-two total Justices of the Supreme Court, might well be named the "Chief Justices' Crossing" as a monumental conjunctive memorial to the distinguished Americans who have headed the Supreme Court of the United States: Now, therefore,

*Be it enacted by the Congress of the United States and by the Legislatures of the States of New York, Connecticut, and Rhode Island and Providence Plantations (severally and jointly) as follows:*

SECTION 1. There is hereby established within the United States Bureau of Public Roads, but not subject to its jurisdiction except as specifically provided herein, a commission to be known as The Chief Justices' Crossing Commission, hereinafter referred to as the "Commission", to be composed as follows:

(1) A Chairman designated by the President of the United States.

(2) A member designated by the Chief Justice of the United States to represent the Supreme Court of the United States.

(3) A member designated by the National Highway Administrator to represent the United States Bureau of Public Roads and the National Highway Administration.

(4) A Vice Chairman, resident of the State of New York, to be designated by the Governor of New York.

(5) A member, resident of Suffolk County, New York, to be designated by the Governor of New York.

(6) A member, resident of the State of Connecticut, to be designated by the Governor of Connecticut.

(7) A member, resident of the State of Rhode Island, to be designated by the Governor of Rhode Island.

SEC. 2. The members of the Commission shall serve for a period not to exceed three years, unless extended by further joint legislation; may be replaced at the discretion of the respective appointing authority; shall be compensated for their travel and other necessary expense items, plus an honorarium of \$100 per day for actual attendance at Commission meetings, not to exceed \$5,000 per

annum for any member. The Commission shall elect a secretary and a treasurer from its membership and a clerk who may be the secretary; and the treasurer shall be bonded in such amount and manner as the Commission shall deem desirable.

SEC. 3. The Commission shall engage an executive director who shall be a civil engineer experienced in bridge, highway, and traffic engineering, and who shall be approved by the United States Bureau of Public Roads. The executive director shall have all the powers and duties customarily pertinent to such a position; shall receive such compensation not to exceed        dollars per annum as the Commission shall determine; and shall select and engage a working staff, subject to the approval of the Commission which may dismiss any employee of the Commission for cause upon due notice and hearing.

SEC. 4. The Commission shall engage such counsel or counsel services as it may require.

SEC. 5. The Commission shall engage a joint board of three consulting engineering firms to be known as the Board of Consultants, hereinafter referred to as the "Board". These firms shall be firms recognized for their experience and competence in the fields of highway, bridge, and traffic engineering. One firm shall be designated by each of the States of New York, Connecticut, and Rhode Island by the Governor thereof upon the recommendation of the State commissioner or director of public works.

SEC. 6. The Board shall make, in cooperation with the Commission and its staff, and the United States Bureau of Public Roads, and the respective State departments of public works, a survey, study, and report on the problem of the physical feasibility and the economic expediency of constructing an adequate system of bridges and viaducts and connecting ways between Suffolk County, New York, on Long Island and Suffolk County, New York, on Fishers Island, and thence to Connecticut and Rhode Island; and of such other coastal highway and related matters as may be decided necessary and germane by the Commission and the Board.

SEC. 7. The Board shall proceed under the terms of a joint venture contract to be drawn by the Commission with advice of counsel, and approved by the United States Bureau of Public Roads and the respective commissioners or directors of public works of the three States. A preliminary report shall be made to the President of the United States, to the Congress of the United States, to the Chief Justice of the United States, and to the Governors and legislatures of the three States concerned within one year from the date of the contract. The preliminary report shall give facts and findings to date, with recommendations as to a final report, together with any further indicated legislation and drafts thereof attached.

SEC. 8. For the above purposes the sum of \$1,000,000 is hereby appropriated to be made available in installments upon demand by the treasurer of the Commission and to be paid by the Federal Government and by the three States in installments proportioned to the total amount which shall be supplied as follows: \$600,000 by the Federal Government; \$200,000 by the State of New York; \$100,000 each by the States of Connecticut and Rhode Island. Any unexpended funds received in final accounting shall be proportionately returned.

SEC. 9. The provisions of this Act are separable and the invalidity of any one or more sections shall not impair the validity of the others. This Act shall take effect upon its passage by the four legislative bodies concerned and approval of the three Governors concerned and the President of the United States.

Mr. BATES. I only want to make four points very briefly.

First, that a regional rather than a national seashore park should be established on lower Cape Cod, consisting of several segments connected by scenic parkways. The segments to be taken should be sufficient to preserve conservational essentials, but not incidentals and thus preserve at the same time, by modification, the municipal economies and ways of life involved.

The great conflict before the two committees has been that the national parks, if they are going to have this a truly national park, will not concede the concessions that the towns want. If the towns do not get those concessions, on the other hand, their economies are certainly going to suffer.



It is a very difficult dilemma. We believe in a regional park under State control with Federal aid. Just like urban renewal, we would establish a national policy of rural renewal by writing a new section into the National Parks Act providing for two-thirds Federal and one-third State money and with the National Parks Regional Director sitting as chairman of any of these regional parks.

We believe there would be hundreds of them throughout the country. Perhaps every congressional district could use such a park, low-density in or near high-density areas, for the future of this country.

I have made a very careful study of the progress report of the ORRRC and talked to the director yesterday. Reading between the lines of the report, I can see very clearly where the creation of these large regional parks, a new category in between National parks and State parks, is almost inevitably going to be the major answer to the problems of proper recreational and conservational areas throughout this country.

It is a very serious matter. We believe, Mr. Chairman, that the cape park might well become the first in a nationwide system of these regional parks. We would propose a new section in the National Parks Act which is exhibit B after our statement in the second report.

Individual State park legislation would have to be compatible in each case with the general provisions of the new national section. We would add two regional parks which would justify modification of the cape park and hope to break up the visitor load so as to spread it around: 40,000 acres or more in the Plymouth areas across Cape Cod Bay and 8,000 acres off Woods Hole, the Elizabeth Islands, which are available and only have 66 people on the 8,000 acres. They are beautiful, too.

Incidentally, Mr. Chairman, the Massachusetts Improvement Association would like, if possible, at this late hour, to be recorded in favor of Senate 543 heard this morning and urge that the specific studies which are designated in that bill include the Elizabeth Islands of Massachusetts.

I have this exhibit, Mr. Chairman, that I think will show you the remarkable relationship of the Elizabeth Islands to Cape Cod.

There is the cape with Provincetown way out here, sweeping around through Chatham, then comes the upper cape and then the Elizabeth Islands, a peninsula, practically, of the cape itself. They are ideally located in relation to the cape.

The islands have been owned for many years by the Forbes family. I think the time has come when arrangements might be made by the State to acquire 20 miles of beautiful, warm, salt water shoreline perfectly lovely and yet practically not dispossess any homeowners or home holders there.

Senator BIBLE. I think that is a meritorious suggestion. You are suggesting that the seashore bill before our committee yesterday be amended so as to include a study of the Elizabeth Islands.

Mr. BATES. That study would be ideal. It fits in beautifully as I read the bill and see the other areas that you specified. I suggest that that addition might be made if I can be permitted to make it.

Senator ALLOTT. I wonder if this portion of his testimony could be extracted and added to the testimony on S. 543.

Senator BIBLE. I think it could be. I think he could be considered as having testified on S. 543.

Mr. BATES. I hope so. I did not mean to intrude on this but we felt that here was a perfect example of an addition that would help your bill.

Senator BIBLE. The reporter has this colloquy and we will see that it is made a part of the previous record.

Mr. BATES. To conclude on this matter, I would like to point out on this map one problem area that is a perfect example of what we feel about modification. As I said, if the Gosnold Park, as we would call it, is Gosnold township in Massachusetts, if that were added, that would be 8,000 acres and that would be the difference between about the 30,000 acres that the national park wants to take and the 22,000 acres which we would have for a modified park on Cape Cod.

We have drawn narrower lines and have taken out quite a bit. We have cut our line much closer to the shore, feeling that this is deleting incidentals and consuming essentials. We do not think that they have to conserve anything more than the really essential conservation area.

That, of course, is the great outer beach and certain other aspects of the cape. This particular area here in the center should definitely be eliminated. We noticed that Eastham has said that they have willingly, at last, agreed to the rest of this alinement. But that willingness is not universal in Eastham.

I am quite sure that the planning board, who testified yesterday at the housing hearing, is most reluctant to have anything to do with a national park in Eastham. They would gladly eliminate other areas.

I represent, among other things, the owners of some 60 to 70 acres in this central area, very valuable land. That is area 4 in our studies. There are about 280 acres there, and it will cost you over \$1 million to take it. There are 27 houses on it and some of them are valued from \$50,000 to \$75,000. One house could not be replaced for \$100,000, and it is one, I think, the National Park Service has its eye on as headquarters for the main entrance to the park.

Mr. Chairman, it seems to us with the new conservation commissions and State aid given to them, which Massachusetts is leading the Nation in, it is possible for the town of Eastham to make a beautiful town park around the salt pond, and then take the two roads and fix them up and make a parkway to the shore, allowing private driveways into these shore properties of such high value to Eastham; and then have your national park central area be the related properties at the Coast Guard station, which already exists, on the ocean and on the bay. That makes more sense.

You will save yourselves a lot of money. Mr. Cummings, the chairman of the Eastham Planning Board, testified yesterday that if the national park should take everything that they had in mind, it would cost \$9 million to take the unimproved properties alone. It would cost \$22 million to take the whole works on fair market values.

So when you talk about \$16 million for this park, something is all askew. My judgment as a professional planner is that if the national park plan goes through in its entirety, the total cost, except for roads, will be somewhere between \$50 and \$75 million, and that the roads necessary, the additions to the roads, will run at least \$25 million.



It was testified by the secretary of the chamber of commerce yesterday that he had a figure of \$59 million necessary for highway additions. These are sobering thoughts.

In conclusion, Mr. Chairman, we would urge that your committee, as we urged the House committee yesterday, hold all cape Cod park bills in abeyance for a month or so until an immediate ad hoc special committee study can be made to determine as to the wisdom of creating the park as a regional park.

This proposal and the findings we would hope it would produce are all in our complete statement. We have made a list of about 15 facts that we think will be proved to be facts if a special committee gets to work fast on this thing.

In conclusion, as I said to Senator Saltonstall, whom I have known very well for 45 years, since he was head coach of the Harvard freshman football team when I was playing center on it. I told him, "I do not want you to think, Senator, I am being an obstructionist on this. I am not. I am earnestly seeking to find out if we have not reached a point in this country's history when probably we have to work out a new system of intermediate types of parks and whether or not the cape park should or should not be the first in such a series."

Thank you very much, Mr. Chairman.

Senator BIBLE. Thank you, Mr. Bates.

Senator Allott, have you any questions?

Senator ALLOTT. No, Mr. Chairman.

Senator BIBLE. I see a gentleman raising his hand.

Please come forward.

#### STATEMENT OF SIGURD OLSON, ELY, MINN.

Mr. OLSON. My name is Sigurd F. Olson, my home is in Ely, Minn. I am wilderness consultant to the Izaak Walton League of America. Because Joe Penfold was called out, I will speak for him, too.

Senator BIBLE. I called his name. He was listed as one of the witnesses.

Mr. OLSON. I was also for 5 years president of the National Parks Association. At the present time I serve on the advisory committee to Secretary Udall on parks and monuments, and historic sites.

I have a long record of studying and supporting problems such as this. Three years ago I made a survey in Cape Cod in conjunction with the National Park Service, and one of the foundations interested in acquiring land for the Government, so I am familiar with the Cape Cod area.

At the same time, I made a survey of the Cumberland Park, which was discussed yesterday, or when this shorelines bill was up, and am very much interested in having that included as a national seashore area.

When I made my survey of Cape Cod 3 years ago, I made it during March, during one of the horrible storms that hit Washington which you all remember with great nostalgia, I am sure. But Cape Cod was in the midst of one of its furious gales and blows. I will never forget standing on the heights above the cape and watching the waves roll in, knowing that there were ships out there and that the Coast Guard was trying to get them safely into harbor.

I thought of what Thoreau said when he stood on Cape Cod over 100 years ago: "This will some day be the last great wilderness of the Atlantic seaboard." When I stood there, it was still the last great wilderness. I was impressed. I am still impressed.

I have listened to the testimony today with a great deal of interest. I know the problems of the towns on the cape, and I sympathize with their problems. I realize, however, that here is a case of the national interest rather than local interest; that here is a case where uncounted millions of people will be served in the future.

It may not be entirely in the interest of the local towns, but when we look at the broad view of things and think of what is going to happen and what is happening to the eastern seaboard, the continuous town from New York to Norfolk with some 30 million people already, what it will be in the next 10, 20, or 30 years God only knows.

There will be tremendous need of places such as Cape Cod for people to escape suburbia and the big cities. I feel very deeply and very sincerely that we must preserve such places in order for the people of the future to have someplace where they can get down to the seacoast without having to pay a fee or ask permission to pass the growing number of "Keep Off" signs.

Three years ago I watched the bulldozers on Cape Cod. Mr. Wirth said this morning that the property values are going up \$500,000 a year. I think that is very modest. If you read Babson's report of a year ago, he said the only sure bet in America is seashore, lakeshore, or river frontage property, any place in the United States. Your money is safer there than it is in any bank, any bonding system or any sort of investment you want to make because, he says, the amount of water frontage in America is limited. There will be no more. Those who have it and can hold on to it are bound to make money.

As you mentioned, Senator Allott, this morning, and I was thinking of this knowing my testimony was coming up, it is a human frailty that all of us, if we have such properties, would naturally want to hold on to it and make what we could out of it. So I sympathize with the people who have properties.

I sympathize with these towns who would like to exclude certain areas which may go into homes. But at the same time I realize that an area such as this of national significance, and of vital importance from the standpoint of recreation, I wonder whether in such areas any private individuals have a right to monopolize their beauties and their meaning to the exclusion of the vast populations who might use it.

I have been interested in these areas all over the country. I am interested particularly in Point Reyes, the area north of San Francisco. A very interesting thing happened last year, and it applies to Cape Cod, showing the changing sentiments.

A logger on Point Reyes asked if it was possible for him to close down his mill on Point Reyes and find some equal timber or timber of equal value, trading with the Government if possible, so that he could get out of there, realizing that Point Reyes had such a great future and such importance from the standpoint of recreation from the San Francisco Bay area.

I think the day is coming when more and more people on the cape will get this chap's philosophy and will realize that for the overall good of all the people for a long period of time, the thing to do is to



forget private interest if possible and endorse the broadest public good. So I thoroughly endorse the Cape Cod proposal and hope that it becomes a national seashore area. Thank you.

Senator BIBLE. Thank you very much. We appreciate your statement.

At this time I should like to place into the record a statement from Congressman Lane of Massachusetts; a statement from the Appalachian Mountain Club; a statement from the Washington representatives of the Emergency Committee for the Preservation of Province Lands; an individual letter from Marian P. Gibbons, of 1407 Ridge Road, Holly Oak, Del.; a statement from Norman H. Cook, executive secretary of the Cape Cod Chamber of Commerce; and a statement on behalf of the town of Wellfleet. The letter, since it is the official communication from the town, will be inserted at this place in the record. The others will be grouped with all the other communications that we have received. The staff will examine them all and place them in the appropriate place in the record.

(The statement of the town of Wellfleet follows:)

STATEMENT OF CHARLES E. FRAZIER, JR., ON BEHALF OF THE TOWN OF WELLFLEET

Mr. Chairman and members of the committee, the views of the town of Wellfleet on the proposed establishment of the Cape Cod National Seashore Park in the Commonwealth of Massachusetts, have been submitted on various occasions, both orally and in brief form. It is my understanding, and that of the community, that previous testimony on the subject matter, submitted to the 86th Congress, will be considered and that this statement will be a supplement thereto.

I regret that it is impossible for me, as the delegated representative of the town of Wellfleet, to be present before your committee because of a long-planned trip out of the country at this particular time, but I respectfully request that this statement be made a part of the record.

The fundamental issue presented by the proposed legislation is whether or not the area of the lower cape is sufficiently large to permit the establishment of a national seashore park of approximately 30,000 acres, and still allow the six municipalities involved to exist economically. At the most recent hearings in the town of Eastham, Mass., on December 16, 1960, the position of the National Park Service was stated to be in effect, that unless authorization was given to take the entire acreage as proposed, that the park could not be established.

The testimony of the towns involved, through their various representatives, was clearly to the effect that unless there were some revisions in boundaries and certain exclusions of designated land areas, that the town involved could not exist. I believe that the previous written statement of the town of Wellfleet leaves little room for doubt as to the economic impact of the park as proposed. It should be evident that if nearly 70 percent of the town's acreage is taken for park purposes, including to a great degree most of the land suitable for development and building, that great damage must result. This is particularly true when one considers that over 50 percent of the land excluded from the proposed park is marshland for which there is no practical utilization.

The hearings held at Eastham, Mass., on December 16-17, 1960, revealed for the first time the position of the National Park Service, that this was an "all or nothing" proposal. Every previous expression of this agency relative to the land area to be taken for park purposes emphasized the fact that land areas were subject to compromise, agreement, and adjustment. Lulled into a sense of security by the promises of the representatives of the Great White Father that there was nothing to fear and that the ultimate objective was a solution to the mutual advantage of all, the towns honestly explored the possibility of agreeing with the establishment of a park, while still being able to exist as political self-supporting entities.

For nearly a year, studies were made on the local level, surveys were conducted, and many meetings were held by and between the townspeople to arrive at a reasonable solution. The towns formally agreed to establishment of a seashore park provided certain reasonable exclusions were granted. The sum total

of these were not more than the 10 percent of land area which the original bills proposed to make available for development.

The hearings in Eastham, however, indicated that it was never the intent of the National Park Service to compromise; that actually there was not 10 percent of the land area which could be spared for future development and expansion; and that in the opinion of the Park Service a park of less than the approximate 30,000 acres, as first proposed, was not feasible, and if not authorized, would, if not destroy the park, seriously impair it.

The position of the National Park Service, based on answers to questions propounded at the Eastham hearings, is that the boundaries proposed by it, represents the irriducible minimum of area required for their purpose. The position of the towns and particularly Wellfleet, is that the proposed boundary changes, suggested by the towns is the irriducible minimum of land area needed for economic existence as a self-supporting municipality. The only compromise has been that proposed by the local committees, notwithstanding the repeated statements of Mr. Wirth as Director of the National Park Service, that his agency always was open to compromise.

The position of the National Park Service leaves no alternative to the town of Wellfleet but to oppose the establishment of a national seashore park as proposed. At the annual town meeting held on February 13, 1961, the inhabitants voted in opposition to the park as proposed clearly, categorically and emphatically 105 to 4, and against a national seashore park on the lower cape 109 to 15. An attested copy of this vote is attached hereto and made a part hereof.

It is the considered opinion of the officials of the town that in the event that a national seashore park is established as proposed, over the objection of the communities, that it would be impossible to obtain the necessary two-thirds vote of the inhabitants to authorize a transfer of town-owned property within the proposed park. This would involve nearly a mile of beach front on the Atlantic Ocean, a half-mile of beach front on Cape Cod Bay, landings on all the ponds within the town of Wellfleet ranging from 2 to 5¼ acres, and other valuable holdings.

At this time when money appropriations must be scrutinized, even by the Federal Government, it should be mentioned that the proposed land-taking ultimately will involve a sum approximately 10 times the \$16 million requested to establish this proposal. It will result in reducing at least four towns into seasonal resort areas without a stable economy. The elimination of about 75 percent of the area on which homes may be built will destroy the construction trades which support nearly all of the community.

There has been no evidence supported by facts that the establishment of a seashore park requires the substantial land taking as proposed since it is clear that the main attraction of the area is its beaches which will be used only for about 3 months out of the year.

I respectfully suggest that your committee review the facts previously submitted; that you refresh your recollection of the land uses in existence as observed by those of you who visited the area; that you give the proper weight to the evidence of those who live, work, and have protected the area for some 10 generations. That in considering the evidence as expressed in letters and statements by members of garden clubs and similar organizations, most of whom have never been to the locus, that it be given its proper weight. That when you consider statements, that most of the people in the area favor the park, you give proper weight to the various votes, expressing the will of the people.

If in the considered judgment of your committee you deem that the national interest requires the establishment of some sort of a seashore park in this area, I respectfully suggest that the boundary lines of the park in the town of Wellfleet be changed and that House bill 989 be amended by striking out the boundary description as it relates to the town of Wellfleet from line 22, page 4, through line 21, page 5, and substitute the boundary description attached hereto and made a part hereof, by incorporation and reference.

I further respectfully suggest that Senate bill 857 be similarly amended by striking out from line 19, page 5 through line 2, page 6, and all other lines describing the boundary line in the town of Wellfleet, and substituting the boundary lines referred to above.



EXCERPT FROM THE RECORD OF THE ANNUAL TOWN MEETING, TOWN OF WELLFLEET,  
HELD FEBRUARY 13, 1961

*Article 39.*—Voted: That the town give voice and opinions to the following questions relative to the establishment of a so-called Cape Cod National Park, the results of said vote or opinion to be forwarded to our Senators, Representatives, and to the committees considering the proposed legislation:

1. Are you in favor of the establishment of a Cape Cod National Park according to the proposal of the National Park Service and as specified in the Saltonstall-Kennedy bill filed in the 87th Congress?

Hand count: Yes, 4; no, 10.

2. Are you in favor of the establishment of a Cape Cod National Park according to the proposal of the selectmen of the town of Chatham, Orleans, Eastham, Wellfleet, Truro, and Provincetown, providing for modifications of the land areas as proposed by the National Park Service?

Hand count: Yes, 38; no, 95.

3. Are you in favor of the establishment of a national park or a Cape Cod National Park in the area of the towns of Chatham, Orleans, Eastham, Wellfleet, Truro, and Provincetown?

Hand count: Yes, 15; no, 109.

A true copy, attest:

[SEAL]

NATALIE V. FLETCHER,  
*Town Clerk.*

#### DESCRIPTION OF AMENDED BOUNDARY FOR WELLFLEET

Beginning at: the town line between Truro and Wellfleet:

thence generally easterly along the Truro and Wellfleet town line to the westerly edge of the marsh of Bound Brook;

thence generally southeasterly, southwesterly and westerly by the edge of the marsh to the southerly right-of-way line of an unimproved dirt road as shown on said Wellfleet quadrangle sheet;

thence northerly to the southerly right-of-way line of Bound Brook Island Road;

thence westerly by the southerly right-of-way line of Bound Brook Island Road to the town landing;

thence southerly and westerly by the town landing to a point in Cape Cod Bay one quarter of a mile offshore from the mean low-water line;

thence southerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay to a point;

thence turning and running easterly on the prolongation of the northerly right-of-way of Duck Harbor Road;

thence continuing easterly and southwesterly by the northerly right-of-way line of said Duck Harbor Road to the northerly right-of-way line of Chequesset Neck Road;

thence northwesterly, westerly and southwesterly by the northerly right-of-way line of Chequesset Neck Road to the town landing;

thence westerly by the town landing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction around Jeremy Point;

thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1958);

thence north to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

thence following the mean high-water line southwesterly, northwesterly, and northeasterly to the easterly right-of-way line of Chequesset Neck Road at its crossing of Herring River;

thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek;

thence crossing Mill Creek in a northeasterly direction to the 20-foot

contour level near to and northeast of the confluence of Mill Creek and Herring River;

thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet quadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road;

thence crossing said marshy stream along said easterly right-of-way line of said medium duty road, and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream;

thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium duty road;

thence following said unimproved dirt road northwesterly for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes;

thence following the 20-foot contour line in an easterly direction to said Route 6;

thence northerly by the westerly right-of-way line of said Route 6 to the Wellfleet-Truro town line;

thence turning and running in an easterly direction by the Truro-Wellfleet town line crossing Route 6 to a point 750 feet westerly from the top of the ocean bank;

thence in a general southerly direction along a line 750 feet westerly from the top of the ocean bank to a point on the northerly right-of-way line of Kinnacum Pond Road and the northerly right-of-way line of Gull Pond Road to the easterly right-of-way line of a power transmission line;

thence in a general southerly direction along the easterly right-of-way line of said power transmission line to the northerly right-of-way line of Long Pond Road;

thence in a general easterly direction along the northerly right-of-way line of Long Pond Road to the westerly right-of-way line of Ocean View Drive;

thence southerly along the westerly right-of-way line of Ocean View Drive to the southerly right-of-way line of Cahoon Hollow Road;

thence in a general westerly direction along the southerly right-of-way line of Cahoon Hollow Road to the easterly right-of-way of said power transmission line;

thence in a general southerly, easterly and southeasterly direction along the easterly right-of-way line of said power transmission line to a point 500 feet north of LeCount Hollow Road (also known as Cook Road);

thence generally northeasterly by a line paralleling the general alignment of LeCount Hollow Road and distant north 500 feet therefrom to a point 500 feet west of the westerly right-of-way line of Ocean View Drive;

thence northerly by a line paralleling the general alignment of Ocean View Drive and distant 500 feet westerly therefrom for a distance of 4,500 feet;

thence running easterly across Ocean View Drive to the top of the ocean bank;

thence generally southerly along the top of the ocean bank to a point 1,000 feet south of LeCount Hollow Road;

thence generally southwesterly by a line paralleling the general alignment of LeCount Hollow Road and distant 1,000 feet southerly therefrom to a point due south of the intersection of the westerly right-of-way line of Ocean View Drive and LeCount Hollow Road;

thence due north to a point 500 feet south of the southerly right-of-way line of LeCount Hollow Road;

thence generally southwesterly by a line paralleling the general alignment of LeCount Hollow Road and distant 500 feet southerly therefrom to the easterly right-of-way line of said power transmission line;

thence in a general southerly direction along the easterly right-of-way line of said power transmission line to the Eastham-Wellfleet town line;

Senator BIBLE. Now Congressman Keith, I believe you would like to add something to your testimony.



**STATEMENT OF HON. HASTINGS KEITH, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF MASSACHUSETTS**

MR. KEITH. Mr. Chairman, I would like to thank you on behalf of the towns in my district and the people on the cape and of the Commonwealth for the interest you have shown in their problems.

I would like, too, to say that it was the sentiment expressed by the preceding witness that prompted me, and the Senators, to file the legislation which we did. It is these same sentiments which have prompted these towns to pass zoning laws and to set aside substantial tracts of property for public use.

The State of Massachusetts, I believe, is one of the few States in the country which provides that great ponds shall be public property and that the towns shall maintain public ways to them.

There is no quarrel, I believe, with the proposition that this national seashore should be brought into being. The original concept as outlined in an editorial in a paper on the cape back in January of 1956 talks about the preservation of this national seashore from which Thoreau looked out to the Atlantic with all of America behind him.

We are agreed that that should be in the National Government's ownership. But, as was the case in the Cape Hatteras Seashore, we do feel that there are places along that line where the towns need to have inroads into this in order to preserve not only the seashore but the character and quality of the community in which the visitors will come to enjoy it.

So I hope that you will feel that this should be a reflection of the national interest and the way of Cape Cod as well as it is in the protection of the seacoast which we all desire to preserve.

Thank you once again, Mr. Chairman.

Senator BIBLE. Thank you very much, Congressman. You have been very helpful to the committee.

This has been a very full day, and a very informative day, certainly for the chairman. The record will be kept open for 10 days.

The subcommittee will stand in adjournment.

(Whereupon, at 5 p.m. the subcommittee adjourned, to reconvene at the call of the Chair.)

## APPENDIX

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(The following communications were submitted before, during, and after the hearing. They were ordered printed by Senator Bible.)

EASTHAM, MASS.,  
February 25, 1961.

Senator LEVERETT SALTONSTALL,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR SALTONSTALL: Thank you for your letter of February 9, 1961, and for the copy of the Saltonstall-Smith bill, S. 857.

In this letter I would like to give you an account, as best I can, of part of the Eastham annual town meeting held February 20, 1961, in which the National Cape Cod Seashore Park came up for discussion; and my opinions regarding it.

Very late in the evening article 31 of the town warrant was taken up. Briefly, this provides for the taking by the town through gift, purchase, or eminent domain, all or part of the beach, sand dunes, and private property from the Coast Guard station to Nauset Inlet; the land to be used for purposes of recreation and playground; expenditure called for, \$2,000.

The many questions about article 31 centered on why the town should take this land which would become a part of the park and which the park could administer, in one way or another, more effectively.

I asked the selectmen, what value the town of Eastham had placed on this beach, sand dunes, and the land behind the dunes (the whole in extent,  $2\frac{1}{2}$  miles) when discussing the park with the congressional representatives. Selectmen Wiley stated that he did not think the town had placed any value on this land.

Mr. Wiley read a letter from Mr. Thomas Dill in which he stated that he and his mother would not give their beach property to the town, or sell for less than \$10,000.

Mr. Robert Whiting, town member, stated that \$250,000 would be nearer the amount needed for acquisition of this land than the \$2,000 recommended by the planning board. Mr. Cummings, chairman of the planning board, stated the \$2,000 was for legal and surveying fees only and he could not estimate the eventual cost.

The town accountant, Mrs. Schroeder, stated that it seemed unwise for the town to take the land if it could only acquire a piece here and a piece there.

Mr. Maurice Moore, member of the planning board, urged that the town buy the land to obstruct or even prevent the national park.

It was after midnight that this measure was voted down by considerably more than a two-thirds vote.

Article 32 was next brought up. This in brief is to the effect that the town should acquire by gift, purchase, or eminent domain, the area known as Nauset Inlet, Nauset Marsh, Nauset Bay, Salt Pond, Christian Creek, and Hemenway Channel, for the preservation of their natural beauty and the protection of the fish, shellfish, wildlife, etc. Amount recommended: \$500.

This article was likewise voted down but with a narrow two-third vote.

After 1 o'clock in the morning, the moderator stated that the following questions would be voted on:

1. Are you in favor of the Saltonstall-Smith bill?
2. Are you in favor of the bill as revised by the lower cape selectmen?
3. Are you in favor of no park at all?



At 7 p.m. 191 voters were present. There now remained about 70 persons. So many had left, or were leaving, that the moderator thundered that no more were to leave or the doors would be locked because a quorum was needed for the voting. The questions were not included in the town warrant, although they were contained in the town report for 1960.

Mrs. Dorothy Johnson, town member, asked why these questions were being asked us? The answer was that it was only for the benefit of the selectmen.

Question from the floor. Why could not another town meeting be called, for the sole purpose of voting on these three questions and when a group more representative of the number of town voters was present? Moderator stated that on account of the Federal holiday February 22 it would be 3 days before a meeting could be held and it was doubted if the selectmen could get all the people together again so soon.

Vote taken was :

1. Yes, 4; no, 57.
2. Yes, 29; no, 39.
3. Yes, 40; no, 15.

Mr. Maurice Moore of the planning board then asked if the voting was legal. Answer from Mr. Hurd, "Yes."

Mr. Moore asked if the voting figures were to be used at the congressional hearings in Washington, March 7. The moderator turned to the selectmen and they nodded—Yes.

My conclusion :

Because of the extremely important and controversial articles 31 and 32, and the three questions, I think the selectmen and the planning board should have brought them before the voters early in the evening, when the largest number of voters were present.

It would seem to be an extraordinary 12th-hour decision for the town of Eastham to try to make, to acquire the beach, dunes, and marshes, represented in articles 31 and 32, for recreational purposes, an action reaching far into the future and into unforeseeable responsibilities.

I feel sure many of the voters who had left did not know the three questions were going to be asked, because they were not in the warrant which we were following. Doubtless others had to work the next day and had to leave.

While the 40 votes against the park may be legal, I do not see how they can represent the 832 registered voters of the town, or even the 191 who were present at the beginning of the meeting. Nor do I believe the 40 votes give the selectmen the mandate to say at the congressional hearings that the town of Eastham voted against the park.

Yours sincerely,

CATHARINE W. REED.

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EMERGENCY COMMITTEE FOR THE  
PRESERVATION OF THE PROVINCE LANDS,  
*Provincetown, Mass., February 17, 1961.*

Senator LEVERETT SALTONSTALL,  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR SALTONSTALL: Thank you very much for your letter regarding the filing of the new bill to establish a Cape Cod National Seashore Park. Although we have had some news in our local papers, we were very glad to have the full press release.

In regard to the portion of the present bill which excludes a section of the State-owned Province lands from the boundaries of the park system, we, as residents of Provincetown and members of the Committee for the Preservation of the Province Lands, would like to point out to you that the people of Provincetown have not yet expressed their opinion as to whether they want this land removed from the public domain. This is locally a controversial matter on which even the selectmen are not in agreement.

On March 13, the citizens of Provincetown will, in the annual town meeting, vote on this question. Should the town give any adverse vote, we would hope that the Senate would then include all of the Province lands in the seashore park.

It is our opinion, being on the scene, that Provincetown with a steadily falling population does not need additional land, having within its present boundaries at least 376 acres of undeveloped land suitable for residential use.<sup>1</sup> It is our conviction also that the wooded area of the Province lands in its present natural

state constitutes a priceless asset to the whole Provincetown area. Should this land be incorporated into Provincetown, we believe it would almost inevitably be exploited to become an undesirable commercial section on the border of the national park. This, in the long run, would be to the disadvantage of, not only the park, but to Provincetown itself.

We hope to be able to attend the forthcoming Senate hearings on the new bill, and at that time, representatives of our committee will no doubt have an opportunity to elaborate the details of our position.

Respectfully,

JOSEPHINE DEL DEO,  
*Executive Vice President.*

<sup>1</sup> P.S.—Please see enclosed letter to Chairman Gracie Pfof of the House Subcommittee on Public Lands, which deals thoroughly with the matter of available land in Provincetown.

EMERGENCY COMMITTEE FOR THE  
PRESERVATION OF THE PROVINCE LANDS,  
*Provincetown, Mass., January 17, 1961.*

HON. GRACIE PFOST,  
*Chairman of the House Subcommittee on Public Lands,  
U.S. House of Representatives, Washington, D.C.*

DEAR MADAM CHAIRMAN: I have seen a letter, widely published in the local press, addressed to you as chairman of the House Subcommittee on Public Lands, by the head of the Board of Selectmen of Provincetown. This letter by a Provincetown official refers to testimony given by me and nine other residents of Provincetown at the recent hearings in Eastham, Mass., on the proposed Cape Cod National Seashore Park. At that hearing we asked that the ancient and unspoiled State-owned Province lands be included in the seashore park, and thus be saved from exploitation. In his letter, the official refers to the testimony of the individual citizens of Provincetown as from those "either grossly unfamiliar with the present and prospective use of land within the town, or those deliberately attempting to mislead the subcommittee in order to support their own arguments."

According to the evidence given by Mr. Thompson at the Eastham hearing, for Mr. Wirth of the National Park Service, there are within the present boundaries of this town, exclusive of ponds and marshes, and exclusive of the tract intended for Pilgrim Spring State park, 452 acres of undeveloped land. This figure is, I believe, based on recent aerial mapping by the Park Service. On the other hand, the letter by our selectmen implies that there are only 173 acres suitable for residential purposes left within the town.

In view of the discrepancy between these figures for unused land, I have taken the trouble to examine the pertinent evidence, doing this as carefully as possible, using the U.S. Geological Survey map of the Provincetown quadrangle as revised in 1958. This I have supplemented by an inspection of the ground itself, going over some of it on foot.

My research indicates that the figure of 452 acres by the Park Service is correct, or close to being correct. In the present connection, I find it hard to attach any reality to the figure of 173 acres. Leaving out ponds and marshes, and leaning over backward to be on the safe side, there is a minimum of 376 acres of undeveloped land within the present town. All or most of this is, I believe, privately owned. Of this land, 319 acres, being above the 10-foot contour line, could be built on as it is. An additional 57 acres consists of low-lying ground which was formerly tilled or in pasture. This land can be used for building, but it requires preliminary filling in with sand. This low ground, in fact, is now being utilized in the Winthrop Street area, where a large church and 16 houses have in recent years been constructed on fill.

The 376 acres of potential residential land if laid out in half-acre lots, would supply space for 626 homes with 62 acres for streets. At least another 50 houses could be built on half-acre plots which I have observed here and there in the built-up portion of the town. As most Provincetown houses are on land of one-tenth acre or less, there is in Provincetown room for another closely built town as large as the present one.

If Provincetown is being cramped or crowded into the sea, as has been stated, it is perhaps due to the high prices asked for land by private owners and speculators and to the negligence of town officials in providing some modest expansion of streets and facilities. There is certainly enough land within the present



boundaries, were it controlled, divided, and used according to a reasonable, long-term plan to provide living space for the foreseeable future.

There is, in my opinion, in the Provincetown situation no necessity which would justify removing the Province lands from the public domain. Should this be done, one more of the few remaining areas of natural beauty on the Atlantic coast will be obliterated for all time. At the same time, the charm and unique character of Provincetown will become only a memory.

I hope that your committee will retain the Province lands in the measure for the seashore legislation.

Respectfully,

ROSS MOFFETT, *President.*

PARK DEPARTMENT,  
Chatham, Mass., December 21, 1960.

Subject: Cape Cod National Seashore.

HON. GRACIE PFOST,  
*Chairman, Subcommittee on Public Lands,*  
*House Office Building, Washington, D.C.*

DEAR MRS. PFOST: The park commissioners of the town of Chatham, unfortunately, were unable to attend the congressional committee hearings in Eastham on December 16 and 17 because of illness and jury duty. The park commission has not been consulted by the selectmen of Chatham or any other official body regarding this subject. We wish, however, to record our unanimous opinion as follows:

1. We are in favor of the Cape Cod National Seashore, generally, as outlined in the Saltonstall-Kennedy bill (S. 2636).

2. We strongly favor the inclusion of Morris Island and Stage Island (Chatham) in this national seashore. These two areas, really one island, are an integral part of Monomoy from the standpoint of conservation and wildlife preservation.

3. We feel that Morris Island, Stage Island, and Monomoy should be kept in their natural state and that camp sites, roads, or other development should be kept to a minimum.

4. We disagree with the selectmen's statement of the position of the town of Chatham in relation to Senate bill S. 2636 presented to the Subcommittee on Public Lands of the Senate Interior Committee dated December 9, 1959, as it relates to Morris Island and the effect on the general character and economy of Chatham if this area is included in the national seashore. The selectmen do not approve the inclusion of Morris Island in the national seashore.

5. We hope that S. 2636 or a similar bill will be acted on favorably by the 87th Congress at the earliest possible time.

We will be glad to amplify paragraph 4 above if it is so desired.

Respectfully submitted.

CHESTER I. HACKETT,  
ARTHUR H. ALEXANDER,  
SAMUEL H. COBB,  
*Park Commissioners.*

DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
Washington D.C., February 20, 1961.

The CHATHAM PARK COMMISSION,  
Care of Mr. ARTHUR H. ALEXANDER,  
Chatham, Mass.

DEAR SIR: Having been informed of the interest of the Chatham Park Commission in the policies under which the National Park Service would administer Morris and Stage Islands as part of the proposed Cape Cod National Seashore, I write to outline of the intentions of this Service concerning that outstanding portion of the Seashore.

Not only are Morris and Stage Islands geographically closely related to Monomoy Island, but they are also related to that island in their use by birds as a resting, feeding, and sheltering ground. A spokesman for the Massachusetts Audubon Society has stated that Morris Island "acre for acre, is the most important landbird habitat on the entire New England coast, and one of the top two or three most important on the entire Atlantic seaboard."

Moreover, these islands have long provided a scenic amenity for the people of Chatham, in that this land in its wild state has bordered the town community with an area of unspoiled natural beauty.

In our earlier park studies of the outer arm of the cape we tentatively marked Morris Island as a possible area for limited camping because of its undoubted scenic qualities and its proximity to areas where there is considerable birdlife to study.

It has become evident, however, that the attractiveness of Morris and Stage Islands might produce such pressure for public use of those areas, if camping facilities were provided, as to jeopardize the natural value of the islands through overuse and to cause access and transportation problems to and from the islands through the town of Chatham.

A number of natural areas within the Cape Cod National Seashore proposal are of such fragile nature that public uses in them should be limited to those which do not damage the natural values. One such area, I think, is the ponds region in Wellfleet. Another is the Morris and Stage Islands unit. With this in mind, therefore, I included in my statement prepared for the congressional committee hearings at Eastham in December 1960, the following:

"I do not believe, for example, that camping should be permitted near the ponds. It would be damaging to that delicate complex of natural features. The same is true, I think, of Morris Island. Its importance as a natural area, as a bird habitat, is such that I believe that it should be managed along the lines of Monomoy National Wildlife Refuge, where human activity is limited in the interests of wildlife and plantlife therein protected. (In making that statement I used the name 'Morris Island' to apply to both Morris and Stage Islands.)"

"This protective concept has recently been written into proposed legislation by Senators Saltonstall and Smith in their revised bill, S. 857, introduced February 9 to authorize the establishment of a Cape Cod National Seashore. Section 9(c) of S. 857 reads in part as follows:

"Notwithstanding any other provision of this act, Morris and Stage Islands shall be administered as a sanctuary in which the flora and fauna shall be preserved and where camping and other such major activities and developments for the accommodations of visitors shall be prohibited."

In introducing the bill, Senator Saltonstall said:

"In Chatham we have designated Morris and Stage Islands as a nature sanctuary which shall be administered in such a way as to preserve the flora and fauna in the area and to prohibit camping and other major activities and developments for the accommodations for visitors. Morris and Stage Islands will thus be related to Monomoy Island, lying directly to the south, which is presently administered as a wildlife refuge. This change answers both the valid concern of the Chatham Board of Selectmen that increased traffic congestion would necessitate the widening of the streets and thus impair the traditional charm of the town, and the worry that if Morris and Stage Islands were included as a regular part of the park, a tent site encampment might result on the islands destroying their natural beauty. With Morris and Stage Islands administered as a nature sanctuary, as under our new bill, neither traffic nor camping problems could develop because ordinary public uses of the areas are expressly prohibited."

Thus preserved and administered for use only by those who seek to see and study the natural values of Morris and Stage Islands, I think that they can always remain a delightful scenic area, close to the people of Chatham, and an outstanding "living museum" of plant and animal life.

Sincerely yours,

CONRAD L. WIRTH, *Director.*

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WEST CHATHAM, MASS., *February 21, 1961.*

SENATOR LEVERETT SALTONSTALL,  
*Senate Office Building, Washington, D.C.*

DEAR SENATOR: This is a letter of appreciation and thanks for your continued work on the proposed Cape Cod National Seashore Park bill, and your efforts to get prompt favorable action on it. I am particularly pleased to see included in the bill Chatham's Morris and Stage Islands, and that they are to be kept closed to camping and tenting and are to be considered a conservation and wildlife area as is adjoining Monomoy sanctuary. It was indeed right that this area be included in the bill and not left out as it is a natural area for the use you have so stated. There has been on the cape as a whole a trend toward an uncon-



trollable population increase and with it a mushrooming of commercialism. Chatham with others is in danger of losing some of its natural charm and flavor by this trend. More important, it is losing much of the land that it should use for conservation of its wildlife and natural landscape. I urge that you, Senator Smith, and Representative Keith, both of whom will receive carbon copies of this letter, will push for immediate favorable action of the bill as it now stands, and that you shall insist that all building started on North Beach, or within the confines of the park since the bill was first introduced be discontinued and removed from park limits. The reason for this prompt action is that if you do not hasten, the beach and park area will be filled with undesirable buildings that are now fast going up.

Let me go a little further and show you what is happening in our area as of this time. We in Chatham have a planning board which is controlled by the State laws regarding the subdivision control law. On North Beach there are quite a few shacks and there has been recently a settlement of land claim disputes out there; one man, one of the largest landowners out there, started to sell lots from his section the minute that the park was proposed. This was not known to the planning board at the time. Later this fact was made known to the planning board when a local man observed building out in the North Beach area. The planning board immediately called attention to the selectmen that they were issuing building permits to build in a subdivision under State laws and that no plan had been submitted to the planning board for its approval as required by this same law. To the best of my knowledge there has been a continuation of building out there. This is why this area must be under strong supervision uninhibited by local pressures which are made here. The park area as outlined must be protected from further unplanned, cluttered developments such as the above mentioned. Let us not lose our cedar and pine woodlands, meadows, and natural marshlands or our open stretches of beaches. Your prompt action is a must if the above losses are to be halted. Thank you again for your past help and it is my hope that we will see a united drive by all our State officers in Washington to get the bill as written through as quickly as possible.

Yours truly,

GEORGE A. THORNTON.

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NEW BRUNSWICK, N.J., *March 2, 1961.*

Hon. LEVERETT SALTONSTALL,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR SALTONSTALL: As a longtime summer resident of Chatham, Mass., I have been very interested in and strongly in favor of the creation of a national park in Cape Cod; and I hope that the legislation now under consideration will include Morris and Stage Islands of Chatham.

I am sure that you will not be influenced by local real estate and commercial factions. These interests have often opposed farsighted plans for the benefit of future generations.

I wish there were someway by which both Morris and Stage Islands could be included with Monomoy and kept as natural game sanctuaries.

Sincerely yours,

J. SEWARD JOHNSON.

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CHATHAM, MASS., *March 1, 1961.*

Senator LEVERETT SALTONSTALL,  
Senate Office Building,  
Washington, D.C.

DEAR MR. SALTONSTALL: I was very grateful to you for giving me a few minutes of your crowded schedule in Boston last week.

I would assume that it is your intent, and that of the Park Service, that Monomoy should continue as a wildlife refuge, much as it is now administered. It is argued that it will be opened up for "recreation" as a vast 10-mile bathing beach, with a bridge or ferry crossing the present break below Morris Island. Would it therefore be advisable to mention Monomoy, along with Morris and Stage Islands, as a sanctuary? With the coming and going of the sands, one never knows when a break may be closed and another one opened. If the break

in North (Nauset) Beach, north of the Old Harbor Station, continues to widen and flatten as it has this winter, it may not be too long before the whole end of the beach breaks off and attaches itself to Monomoy, as it did about a hundred years ago.

I shall not be able to attend the hearings in Washington on the 9th or 10th as I have a previous commitment to be in New York at that time. Mr. McNeece will be there, with the results of a resolution which will be presented in the town meeting early next week, asking that the town support his views. I regret that it is being brought before the town in this manner, as I feel it is no reflection of the majority of the taxpayers, a large proportion being nonvoters.

A proposition to develop 300 acres, with 400 house lots, has just been presented to the planning board. I think we shall all be grateful for Morris and Stage Islands as a refuge in years to come, a spot where one could take a walk without trespassing. Thank you again for your continued interest.

Sincerely,

Mrs. EARLE F. HISCOCK.

U.S. POST OFFICE,  
Chatham, Mass., March 4, 1961.

Senators BENJAMIN A. SMITH II,  
LEVERETT SALTONSTALL,  
ALAN BIBLE, and  
NATIONAL PARK SERVICE,  
Washington, D.C.

DEAR SIRS: The Morris Island developers and associates have mailed the inclosed circulars to Chatham residents. A concerted effort is being made by them to force the exclusion of the Morris Island area from the proposed national seashore park. They plan to introduce such a resolution at our town meeting which no doubt will be adopted as they have done a good job of brainwashing for the developers.

I wish to go on record for the inclusion of Morris Island in the proposed park and request to be so recorded in the records of the hearing on Senate bill S. 857.

Sincerely yours,

PAUL W. KARR, *Postmaster.*

CHATHAM, MASS., February 20, 1961.

HON. LEVERETT SALTONSTALL,  
Senate Office Building, Washington, D.C.

DEAR SENATOR SALTONSTALL: In regard to bill S. 857 I am delighted with the provision of the act whereby Morris and Stage Islands shall be administered as a sanctuary, where camping and other activities and developments shall be prohibited.

Your interest in this situation is very gratifying.

Yours very truly,

ELINOR CUTLER THOMPSON,  
Mrs. H. Rice Thompson.

CHATHAM, MASS., February 20, 1961.

HON. LEVERETT SALTONSTALL,  
Washington, D.C.

DEAR SIR: In regard to bill S. 857, I am delighted with the provisions of the act whereby Morris and Stage Islands shall be administered as a sanctuary, where camping and other major activities and developments shall be prohibited.

Your interest in this situation is most gratifying.

Sincerely,

CARRIE FULLER WEINZ.

CHATHAM, MASS., February 20, 1961.

HON. LEVERETT SALTONSTALL,  
Washington, D.C.

DEAR SIR: In regard to bill S. 857. I am delighted with the provisions of the act whereby Morris and Stage Islands shall be administered as a bird sanctuary and camping and other activities and developments shall be prohibited. Your interest in the situation is most gratifying.

Very truly yours,

MARY ABBOT BIGELOW.



CHATHAM, MASS., *February 21, 1961.*

HON. LEVERETT SALTONSTALL,  
*U.S. Senate Building,  
Washington, D.C.*

MY DEAR SENATOR: I write you in connection with the impending bill to make part of our Cape Cod coastline a national park.

The squeaky wheel usually gets the most grease; and from what I read in the papers, those opposed to the park appear to have the loudest voices. This is a letter of assurance to you from one of the more quiet residents of the cape. We may not be as vociferous, but I believe we are in the great majority who strongly favor the park as the one and only means of preserving this little peninsula which we love so well. We are hoping the present bill will pass, without change, and in the near future.

Sincerely yours,

JAMES MOTT HALLOWELL.

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CHATHAM, MASS., *February 19, 1961.*

HON. LEVERETT SALTONSTALL,  
*Senate Office Building,  
Washington, D.C.*

DEAR SIR: Regarding bill S. 857, I am delighted with the provisions of the act, whereby Morris and Stage Islands shall be administered strictly as a sanctuary, and where camping, and other major activities and all other developments shall be prohibited.

Your interest and that of Senator Smith in this matter is most gratifying.

Very truly yours,

ROBERT M. HEBERTON,  
*Former President of Chatham Chamber of Commerce.*

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CHATHAM, MASS., *February 24, 1961.*

HON. LEVERTTT SALTONSTALL,  
*Senate Office Building,  
Washington D.C.*

MY DEAR SENATOR: In regard to bill S. 857, I am interested in having you support it. Morris and Stage Islands should be preserved as a bird sanctuary and any camping or other attractions should be prohibited.

I would appreciate your help in this matter.

Very truly,

RUTH P. GILMORE  
Mrs. R. J. Gilmore.

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CHATHAM, MASS., *February 27, 1961.*

HON. LEVERTTT SALTONSTALL,  
*Senate Office Building,  
Washington D.C.*

DEAR SIR: In regard to bill S. 857, I am delighted with the provisions of the act, whereby Morris and Stage Islands shall be administered as a sanctuary and where camping and other major activities and developments shall be prohibited.

Your interest in this situation is most gratifying.

Very truly yours,

Miss PAM A. GARDINER.

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CHATHAM, MASS., *February 23, 1961.*

HON. LEVERETT SALTONSTALL,  
*Senate Office Building,  
Washington, D.C.*

MY DEAR SENATOR: In regard to bill S. 857; I am interested in having this bill passed, and would ask you to kindly support it.

Morris and Stage Islands should be preserved as a bird sanctuary, and camping and other major activities, and developments should be prohibited.

I appreciate your great interest in this matter, and thank you for the good work you are doing in behalf of Cape Cod.

Yours very truly,

GRACE SNEDEKER  
Mrs. Theodore G. Snedeker.

CHATHAM, MASS., *February 23, 1961.*

Senator LEVERETT SALTONSTALL,  
*Senate Office Building,*  
*Washington, D.C.*

DEAR SIR: In regard to S. 857 I am delighted with the provision of the act whereby Stage Harbor and Morris Island will be preserved as a bird sanctuary, and their development and camping will be prohibited.

Very truly yours,

Mrs. ALFRED P. ROGERS.

CHATHAM, MASS., *February 21, 1961.*

Re Cape Cod National Park, bill S. 857.

Hon. LEVERETT SALTONSTALL,  
*Senate Office Building,*  
*Washington, D.C.*

DEAR SIR: My wife and I are vigorously in favor of this bill as now proposed, and especially desire to see Morris Island of this town included in the Park with the proviso that camping, tenting, picnicking are prohibited. We wish to see the Mossis Island-Stage Island areas preserved for wildlife exactly as Monomoy itself.

We hope the bill will be pushed and enacted quickly because in parts of the park area, bulldozers are at work destroying all they can before being banned.

Very truly yours,

HAROLD W. COPELAND.

CHATHAM, MASS., *February 22, 1961.*

Senator LEVERETT SALTONSTALL,  
*Senate Office Building,*  
*Washington, D.C.*

MY DEAR SENATOR: With respect to the proposed Cape Cod National Park. The one utterly indefensible proposal is to include Morris Island.

This rough, deeply uneven island is best fitted for a bird sanctuary.

It is ideal for that purpose. Such use would not inflict traffic troubles on Chatham.

Morris Island has no physical, natural or use connection with the great ocean front that is supposed to be "preserved." It is off by itself and would be a perfect sanctuary for birds.

I hope this proposal, now in bill form, will receive your support.

Sincerely yours,

DELMER F. HOBELL.

CARLISLE, MASS., *February 20, 1961.*

Hon. LEVERETT SALTONSTALL,  
*Federal Building,*  
*Boston, Mass.*

DEAR LEV: As a spring summer and fall resident of Chatham I am among many others definitely opposed to the seaside park taking Morris and Monomoy Islands. There is no sensible constructive or popular reason for so doing. Such a move would split the park into two parts 10 miles apart, injure the town of Chatham, and ruin two rest and takeoff areas for large numbers of migrating birds. I do not think your adviser realized the traffic problem which would arise in such a small town as Chatham.

Sincerely,

W. B. LONG.



THE SAIL LOFT,  
Chatham, Mass., March 3, 1961.

HON. LEVERETT SALTONSTALL,  
U.S. Senate,  
Washington, D.C.

DEAR SIR: As residents and registered voters in the town of Chatham, we wish to register our opposition to the proposal to include Morris, Stage and Monomoy Islands within the bounds of the proposed Cape Cod National Seashore Park and to urge that Monomoy Island be continued as a wild life refuge under the control of the U.S. Fish and Wildlife Service.

Sincerely,

PERCY A. GREY.  
MARY LOU GREY.

CHATHAM, MASS., March 2, 1961.

Senator LEVERETT SALTONSTALL,  
Washington, D.C.

DEAR SENATOR SALTONSTALL: Re Senate bill S. 857 may I inform you that I consider it in the best interests of the town of Chatham that Stage and Morris Islands be under local (town) control rather than surrender control to the National Park Service. Furthermore I also consider it undesirable to construct hard-surfaced roads on that part of Nauset Beach locally known as North Beach.

I have been a citizen of Chatham for many years (born here 1918) and a descendent of the people who made Chatham the beautiful place that it is today. If the Park Service takes over North Beach (east of Chatham) I believe it should be retained as nearly as possible in its natural condition. Any improvement in its accessibility will defeat this purpose and it will take on the aspects of Coney Island. I believe the National Park Service should preserve rather than exploit the beauties of Cape Cod.

Sincerely yours,

WILLIAM C. RYDER.

CHATHAMPORT, MASS., March 4, 1961.

SENATOR LEVERETT SALTONSTALL,  
Washington, D.C.

DEAR SENATOR SALTONSTALL: My wife and I retired to the cape 11 years ago because we wanted peace and quiet after the hectic living in the city. We built our home here in Chatham because we felt it was the most attractive community on the cape and least affected by commercialism.

We feel that Morris Island and Stage Island should not be included in the Cape Cod National Seashore Park because of the future detrimental effect on the present character of the town. These islands are 15 miles from Orleans the next nearest part of the park and in order to reach them the visitors will have to pass through our narrow and picturesque streets. Furthermore, if the islands are included in the park, the town will be deprived of a potential loss of \$50,000 yearly in tax revenue.

The town has excellent zoning laws, 500 acres of beach and shore areas, open to the public, at no charge, and has an excellent program to conserve open space and marsh areas. For these reasons we believe it will be best to retain Morris and Stage Islands under local control. Will you please include this letter as a part of the record of the hearing on Senate bill S. 857?

Sincerely yours,

EVERETT F. KING.

CHATHAM, MASS., March 5, 1961.

Senator LEVERETT SALTONSTALL,  
Washington, D.C.

DEAR SENATOR: We are in favor of excluding Morris, Stage and Monomoy Islands from the boundaries of the Cape Cod National Seashore Park, and of keeping Monomoy as a U.S. Fish and Wildlife Refuge.

Yours sincerely,

ELIZABETH C. FULLER,  
WILLARD P. FULLER.

CHATHAM, MASS., *March 4, 1961.*

Re Exclusion of Monomoy, Morris and Stage Islands from the Cape Cod National Seashore Park.

Senator ALAN BIBLE,  
*Chairman, Senate Interior Committee,*  
*Senate Office Building,*  
*Washington, D.C.*

DEAR SIR: My husband and I wish to express our strong disapproval of the plans to include Monomoy, Morris and Stage Islands in the Cape Cod National Seashore Park.

We believe it would be far better for the town, its people, summer residents and bird life to retain Monomoy Island as a wildlife refuge and leave Morris and Stage Islands under local control.

Respectfully yours,

MARILYN C. BROWN.  
Mrs. BRADFORD R. BROWN.

CHATHAM, MASS., *March 4, 1961.*

HON. LEVERETT SALTONSTALL.

DEAR SIR: As a taxpayer of Chatham, Mass., I sincerely ask that Morris, Stage and Monomoy Islands be excluded from the bounds of Cape Cod National Seashore Park, and that Monomoy Island be continued as a wildlife refuge, under the control of the U.S. Fish and Wildlife Service.

Respectfully,

REBECCA D. S. RYDER.

CHATHAM, MASS., *March 6, 1961.*

Senator LEVERETT SALTONSTALL,  
*Washington, D.C.*

DEAR SIR: It is my sincere belief that it will be safer and for the town's best interests to retain Morris and Stage Islands under local control (Chatham). Therefore, I beg that you see to it that Morris, Stage, and Monomoy Islands be excluded from the bounds of the Cape Cod National Seashore Park and that Monomoy be continued as a wildlife refuge under the control of the U.S. Fish and Wildlife Service. Please make this letter a part of the record of the hearing on Senate bill S. 857.

Yours truly,

(Mrs.) MARY F. WHEELER.

CHATHAM, MASS., *March 4, 1961.*

Senator LEVERETT SALTONSTALL,  
*Washington, D.C.*

DEAR SIR: We request that Morris, Stage, and Monomoy Islands be excluded from the bounds of the Cape Cod National Seashore Park and that Monomoy be continued as a wildlife refuge under the control of the U.S. Fish and Wildlife Service.

Sincerely yours,

HARRY D. ELLIS,  
HELEN B. ELLIS.

CHATHAM, MASS., *February 21, 1961.*

Re Cape Cod National Park bill.

Senator LEVERETT SALTONSTALL,  
*Senate Office Building,*  
*Washington, D.C.*

DEAR SENATOR SALTONSTALL: We would like to go on record as being definitely opposed to the taking of Morris Island, Chatham, Mass., as part of the Cape Cod National Seashore Park.

We understand that, if it is excluded from the National Seashore Park, substantial-type homes will be built there in the near future. For this reason we feel that, because of the excellent source of tax revenue, this property is of far greater value to the town of Chatham than to the Cape Cod National Seashore Park. Furthermore, we feel that the taking of this portion would be detrimental to our town in other ways, including the creation of a traffic problem during the summer months.



We certainly do not feel that it is at all necessary to include this detached small area in the park, which we believe has an overall area of around 30,000 acres.

We trust that you will do all in your power to have this small, but valuable, acreage excluded from the final bill.

Sincerely,

ESTHER M. BEARSE,  
CARROLL A. BEARSE.

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CHATHAM, MASS., *March 22, 1961.*

Subject: National Seashore Park.

MY DEAR SENATOR SALTONSTALL: I wish to register my strong objection to the taking of Morris and Stage Islands and the diversion of Monomoy Island as national park territory.

The reasons for this objection are ably stated in the presentation made to you by the Chatham Selectmen and supported by the voters of Chatham.

I am personally affected because my home is just off Morris Island Road and would, therefore, suffer from the great increase in traffic to and from the proposed park area.

Respectfully,

HELEN T. BARNEY  
Mrs. Harold B. Barney.

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CHATHAM, MASS., *March 6, 1961.*

Senator LEVERETT SALTONSTALL,  
*Washington, D.C.*

DEAR SENATOR: During the summer months the narrow streets in our little town are already taxed to capacity with traffic. To invite more people here to visit Stage and Morris Islands as part of the national seashore park would be disastrous. We are anxious to keep our town a small Cape Cod town and I would like to go on record as being opposed to Morris, Stage, and Monomoy Islands being part of the Cape Cod National Seashore Park. I further request that my letter be made a part of the record of the hearing on Senate bill S. 857.

Very truly yours,

BERT F. CROPLEY.

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[From the Boston Globe Editorial, Feb. 10, 1961]

#### CAUSE FOR CHEERS

The Cape Cod National Seashore Park bill seems destined to pass—at long last. The latest version, a carefully worked out compromise, would reduce by 1,500 acres the area to be covered; that should meet objections that have come from certain cape business and civic groups.

Cosponsoring the measure are Senators Saltonstall and Smith, who have taken up the active role filled by President Kennedy when he was in the Senate. "The cape bill will be the first item of the administration's national park program to be pushed in Congress," says Interior Secretary Stewart L. Udall, who is personally an ardent supporter of the proposal; New England appreciates his attitude and efforts.

The future of no bill is certain, of course, until it has been enacted. But everything combines to inspire confidence that there is cause for cheers.

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[From the Worcester Gazette Editorial, Feb. 14, 1961]

#### PROTECTION FOR THE CAPE

The years of delay on the Cape Cod national seashore have been costly. Bulldozers have slashed roads for housing developments through the part of the area. The pressure for commercial development, instead of conservation, has increased.

But there is still time to preserve large, unspoiled areas on the forearm of the cape. President Kennedy has urged prompt action. His Secretary of the Interior, Stewart Udall, is in favor of the national seashore. Senators Saltonstall and Smith have introduced a new bill to establish it.

Officials of the outer cape towns which would gain the national seashore are still trying to hold out more property for commercial development. Their proposals, shown in black on the map at the right, would damage the original National Park Service plan.

Senators Saltonstall and Smith have taken note of the objections. They have proposed excluding some land from the park, but far less than the town officials seek. The officials want to leave out about 15 percent of the proposed park area. Saltonstall and Smith approach this figure only in the case of Eastham. In all, the Senators would omit about 1,500 acres, leaving 29,688 within the bounds of the national seashore.

U.S. Representative Hastings Keith, whose district includes the seashore area; tends to side with the town officials. At least, he regards their request as "small." And he indicates that he is looking for further compromises.

We recognize the political pressures on Congressman Keith. But he would do a disservice to the people of the entire northeast, including those who live in the towns the seashore will protect, if he were finally to stand in the way of action this year.

It would be a misfortune for New England and for Cape Cod to have further delay on this national seashore, which will preserve a relatively small but precious part of the cape. We hope that President Kennedy, Senators Saltonstall and Smith, along with Members of the House from Massachusetts, can persuade Congress to establish the seashore this year.

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[From the Boston Traveler Editorial, Feb. 21, 1961]

#### PROPOSED CAPE COD NATIONAL PARK

By the time a congressional subcommittee gets down to hearings on a new version of the proposed Cape Cod National Park March 6, a full 4 years of hemming and hawing over the project will lie behind us.

At this late date there's no point in trying to fix blame for the delay in proper proportions between the lawmakers in Washington and the six cape towns involved. Both elements have contributed a full measure of obstruction and procrastination. And all that matters now is that they quit stalling and come up with a workable plan.

Time and space are running out for a national recreation area along the beautiful, unspoiled beaches of the lower cape. Unless a bill reserving the land for public use is passed during the present session, we can expect fast-encroaching commercial developments to doom the park and all the benefits—economic and otherwise—it would bring to Massachusetts.

In new bills, filed in the Senate by Senators Saltonstall and Smith and in the House by various Congressmen, new concessions have been made to the cape towns. These will allow Provincetown, Truro, Wellfleet, and Eastham to retain some 1,500 acres originally wanted for the park. They will also designate several Chatham islands as wildlife sanctuaries in deference to that town's wishes. Along with this reasonable approach, President Kennedy's Interior Secretary Udall has pledged top priority for action on the cape park.

Rumblings of rumors that some cape towns may press for still further concessions are unwelcome storm warnings. Unless the project is launched on the spring tide, it's pretty sure to be left high and dry for good.

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[Editorial from Worcester Telegram, Feb. 24, 1961]

#### THE CAPE COD PARK

In his message to Congress yesterday on natural resources, President Kennedy restated his support of the Cape Cod National Seashore. He specifically linked this to "improving both the quality and quantity of public recreational opportunities."

This it would surely do. And, beyond this, the national seashore would help preserve a valuable natural resource.

For, contrary to some expectations, these 29,000 acres on the forearm of Cape Cod would not be turned into one huge bathing beach, trimmed with parking lots and pizza stands.



Some new places to swim would be opened to the public. But the extensive bathing beaches that already exist or can be developed on the rest of the Cape would have to serve most of the swimmers.

For much of the national seashore would remain virgin land of rolling dunes, bird refuges, and windswept vistas. The public could explore and enjoy this territory, but not overrun it.

There will be areas for fishing, and some for camping. But there will be no amusement parks and there will be no "shack cities" of the type that are beginning to infect the rest of the Cape.

If the national seashore is not approved, and soon, the property will go quite quickly for commercial and residential purposes. The opportunity to preserve it for all the people—not only those of today but the generations to come—will be lost forever.

Another set of congressional hearings on this plan is to be held in less than 2 weeks. The opponents are making one last, desperate effort to reduce the park dimensions to the point where the National Park Service will abandon its interest and whole plan will lose most of its point.

This must not happen. We look to Senators Saltonstall and Smith, as well as President Kennedy, to stand by the basic concept, as they have so far. If the rest of the New England congressional delegations join with them, the people will have their national seashore—while there is yet time.

DEAR SENATOR SMITH: Our Massachusetts Federation of Business & Professional Women's Clubs is keenly interested in the bill you are sponsoring for the establishment of a national park on Cape Cod.

We are pleased to learn that the House Interior Committee's subcommittee has scheduled hearings on this bill for March 6 and 7. This is a piece of legislation which we sincerely hope the Congress will approve soon.

We appreciate greatly your recognition of the need for preserving this area of natural beauty on Cape Cod.

With all good wishes, I am

Respectfully yours,

MILDRED J. CARAM,

*President, Massachusetts Federation of Business & Professional Women's Clubs.*

WELLESLEY HILLS, MASS.

DEAR SENATOR SMITH: This is a plea that you will do all in your power to forward the bill pertaining to the creation of the proposed Cape Cod reservation. This is of importance not only to us today, but to our children and their children.

Hoping for your support and the success of this project.

Yours very sincerely,

CAROLINE B. BLAKESLEE.

WHITMAN, MASS.

DEAR SENATOR SMITH: The Whitman Conservation Commission has endorsed the establishment of a national seashore park since we first learned it was being considered.

The recreational potential of Cape Cod will not be realized by the general citizenry until areas now controlled by towns, hotels, and associations of owners are open by a National Park Service. We favored S. 2636 introduced in 1960.

We want to be now recorded in favor of the revised bill, S. 857. It is definitely less desirable to us but a national park of any dimension is better than none.

Sincerely,

HAROLD E. MORSE,  
*Secretary, Conservation Commission.*

WEST NEWTON, MASS.

DEAR SENATOR SMITH: I want to express my whole-hearted approval of your bill to establish a Cape Cod National Seashore Park. I only wish that the original, larger, boundaries of the proposed park might be restored.

Apart from this project, I strongly favor all well-conceived conservation efforts. Land lost to the bulldozers will not likely be regained.

Please do not take the trouble to reply to this letter. Your efforts in behalf of the park bill will serve in lieu of acknowledgement.

Yours very truly,

H. EDWARD KLEIN.

NEW BEDFORD, MASS.

DEAR SENATOR SMITH: I understand that the bill to create the Cape Cod National Park is coming up for a hearing this week. As I favor the creation of such a park to preserve the beauty of the shoreline for future generations, I hope that the bill which you and Senator Saltonstall have introduced will be supported and passed.

Yours truly,

CLARA BETTLE.

BROOKLINE, MASS., March 7, 1961.

Senator BENJAMIN A. SMITH,  
*Senate Office Building,*  
*Washington, D.C.*

DEAR SENATOR SMITH: The members of the Boston Society of Landscape Architects wish to go on record in support of the proposed Cape Cod National Seashore Park as embodied in the Senate bill 857.

As part of the American Society of Landscape Architects, we abide by national policy favoring establishment of new national parklands. We urge you to support this measure during the hearings by Senator Anderson's committee this week as well as to support it when it comes to the floor for action.

To allow any further commercial exploitation of this area of Cape Cod is, to us, to allow our national heritage to suffer irremedial loss. We must have seashore preserves, and this bill will enable a marvelous stretch of seacoast to give pleasure for many generations to come. We are obligated to heed our responsibilities in this important matter of future recreational facilities for the public.

Your efforts in behalf of this measure will be duly noted and appreciated.

Very truly yours,

JOSEPH HUDAK,

*President, Boston Society of Landscape Architects.*

STATEMENT OF HON. THOMAS J. LANE, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF MASSACHUSETTS

Mr. Chairman, for over 4 years, the proposal to establish a Cape Cod National Seashore Park has been subject to thorough study and discussion. This area, rich in beauty, history, and tradition is one of the few sites remaining in the crowded Northeast that can be set aside as a public preserve for the enjoyment of vacationers and tourists.

No one questions the need and the advisability of protecting this picturesque shoreline from destructive commercialism and conserve it, under the care of the Federal Government, for the benefit of the American people.

Every reasonable concession has been made to the six cape towns involved who have ample land to share for this project, and whose opposition is based on spectral fears concerning the conduct of visitors. This seems strange in view of the fact that the cape has heretofore welcomed visitors whose spending as tourists is the prime support for the cape's economy.

There is only one, real minor question at issue, concerning boundary adjustments. Senators Leverett Saltonstall, Republican, and Benjamin A. Smith II, Democrat of Massachusetts, coauthors of this legislation in the Senate, in order to meet local objections more than halfway, have revised the seashore bill by sacrificing 1,500 acres of private land from the plan as originally drawn up by the National Park Service. To retreat further on this would so cramp and mutilate the minimum needs as outlined by the Park Service and based upon its reliable experience that it would not be worthy of the standards necessary for a national park.



The President, when he was representing Massachusetts in the Senate, understood the need for preserving the natural beauty of this area before it was overwhelmed by commercialism. As a summer resident of the cape for many years, he spoke for its best interests, in advocating that a section of it be set aside as a scenic sanctuary, for the benefit of tourists as well as natives. In his message on natural resources, that was sent to the House on February 23, 1961, President Kennedy made the following recommendation: "To improve both the quality and quantity of public recreational opportunities, I urge the Congress to enact legislation leading to the establishment of seashore and shoreline areas such as Cape Cod, Padre Island, and Point Reyes for the use and enjoyment of the public. Unnecessary delay in acquiring these shores so vital to an adequate public recreation system results in tremendously increased costs."

As one of the several Representatives from Massachusetts who have introduced similar bills on this proposal, I want to stress the need to save the unique resources of this area for the general public. The details of this legislation have been completely explored over a period of 4 years. The few who oppose it have been given every opportunity to state their case, and concessions have been made to resolve the minor differences of opinion.

I am confident that the creation of the Cape Cod National Seashore Park is a blessing in disguise that will be appreciated most, in time to come, by residents of those communities adjacent to it.

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#### STATEMENT OF THE APPALACHIAN MOUNTAIN CLUB

With our growing population and the increasing interest in out-of-door recreation, need for additional parks is evident. Nowhere is the need more apparent than in the populous Northeast. In Cape Cod we have an admirable opportunity to establish the requisite park. The 30 miles of sea beach are spectacularly backed by 150-foot sand cliffs behind which are rolling bayberry barrens and well-wooded hollows with some 20 ponds. Not only are there unusual scenic beauties here and superlative resources for recreation of varied kinds, but as the first landing place of the Pilgrims, the region has immense historic significance. The national importance of this event is a valid reason for Federal development; moreover, the region is propinquent to States other than Massachusetts and will be an attraction to people from all over the country. Such a seashore park as should be established here is quite beyond Massachusetts' powers.

The establishment of a park in so relatively settled a land, as contrasted with the vast open spaces of our great western parks, poses distinct and difficult problems. Therefore a special bill for this particular area is required. The bill of Senators Saltonstall and Smith is drawn with the needs of the local towns as well as of the Nation in mind and offers a well-thought-out and reasonable compromise.

The open Atlantic shoreline is fast vanishing into private ownership; there are but few places left where nonresidents can enjoy the splendor of the ocean. It is perhaps surprising that terrain so near big cities as Cape Cod should still remain as unspoiled as it actually is. But the beaches (both coastal and bay) and open lands are being appropriated and despoiled with appalling speed. Prompt action on the establishment of a Cape Cod National Seashore Park is essential.

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WASHINGTON, D.C., March 9, 1961.

HON. ALAN BIBLE,  
*Chairman, Subcommittee on Public Lands,  
Senate Office Building, Washington, D.C.*

DEAR SENATOR BIBLE: On Monday, March 13, the town of Provincetown, Mass., will hold its annual town meeting. At that time the voters will say whether or not they want the State-owned Province Lands ceded to the town for development. If they are not ceded to the town they will become a part of the Cape Cod National Seashore Park. We are in constant touch with Provincetown and there is strong local feeling for leaving these lands in the public domain.

Meanwhile Selectman John Snow, who is scheduled to testify at your hearings in favor of ceding an important section of the Province Lands to the town, has the right to speak for himself only. He was not authorized to speak for the Provincetown Board of Selectmen, as he was last year. At least two of the

town's selectmen have changed their opinions and are strongly opposed to the taking by the town of the Province Lands. And, obviously, no one can speak for the townspeople before they have had the opportunity to speak for themselves.

We feel certain that the U.S. Congress would not want to diminish the proposed National Seashore Park except on the basis of demonstrated need.

The Province Lands are at present a public reserve, withheld from commercial or residential development in the public interest. The needs of our times call for more such areas, not less. It would be a great disservice to take these lands from public use in the mistaken belief that it would benefit a town that may neither need nor want them.

Very sincerely yours,

JOHN DEWITT,

MIRIAM HAPGOOD DEWITT,

*Washington Representatives, Emergency Committee for the Preservation  
of the Province Lands.*

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HOLLY OAK, DEL.

GENTLEMEN: For over 45 years I have been a summer resident of Orleans, on Cape Cod—and for 20 years before, my father summered at the same place. When the Cape Cod National Seashore Park was first proposed, it appeared to many of us who love the Cape to be basically a good idea. But this was when it was thought that the park would take only the sand along the back shore and reasonable access and parking areas.

As the park is now outlined, it is one of the most offensive, irresponsible and vulgar land-grabs ever proposed by the Federal Government. Much of this land is now controlled by the towns in which it lies or by the State of Massachusetts. The thickly settled land included in the proposed park has mostly been owned by the same families for generations.

Perhaps the committee members who are not familiar with the Cape are unaware that most of this area has been settled since early in the 17th century. They are also probably unaware that the residents of the towns affected (Chatham, Orleans, Eastham, Wellfleet, Truro, and Provincetown) are cognizant of the problems confronting them because of the population explosion and are taking steps, through their town meetings, through planning and zoning, to preserve the beauty and historical value of the area. These people are fully capable of solving their problems through the democratic means they have employed for years. They need no instruction from Washington; if they feel they need help, they will not hesitate to ask for it.

Cape Cod has never barred visitors from other areas. People come here from the Southeast, the Northwest, the Midwest, the South, and other areas of the Nation, as well as from Canada, South America, Europe, and Asia. They are all welcomed and treated hospitably. There is no need to expand the Federal bureaucracy to insure the welcome.

Furthermore, the problems created by the park for the areas outside its limits are such as to stagger the imagination of responsible citizens of the cape. The traffic control problem alone might well strain existing facilities beyond their fullest capabilities.

Financially, the park would damage the cape in many ways. In the first place, there is no adequate compensation that will repay a person for the loss of land that he has either inherited or bought because he or she wants to be there. Moving people from settled land to create a national park is basically unfair, especially when money he has contributed to his Government is used to do it. Secondly, the taking of taxable property in congested areas will mean that property outside the park would have to be taxed much more heavily to support necessary town services. The period of grace provided in the bill is brief to a place that measures time in centuries. The park could bring an end to town advancement in many ways because the remaining property could not support major projects calling for large expenditures.

Finally, let me say that this is not wild, barren country. It is not as if someone had just found a place no one except aborigines had seen before, an undeveloped and forested land, and had decided that it was just what the country needed for a park. This is land that has been tilled and used by generation after generation, supporting decent, hardworking, honest families—a strong



breed, many of whom helped make the United States what it is today. I ask you not to destroy their homes, their way of life and the section of America to which they are all deeply and emotionally attached.

MARIAN P. GIBBONS  
Mrs. John A. Gibbons.

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HYANNIS, MASS., March 8, 1961.

CLARENCE E. DOUGHTY,  
*Statler Hilton Hotel, Washington, D.C.:*

The following resolution was adopted at the annual town meeting of the town of Barnstable held yesterday, March 7, 1961, 218 voting in the affirmative and 38 in the negative:

Whereas the establishment of a National Seashore Park on Cape Cod would be seriously if not fatally detrimental to the economy of the entire area, and whereas the benefits derived by the remainder of the United States could not possibly compensate for the harm done to Cape Cod: Now, therefore, be it

*Resolved*, That we, the voters of the town of Barnstable, in town meeting assembled, do hereby most strongly recommend that Cape Cod be not sacrificed for the transient pleasure of others and that a national seashore park be not established on Cape Cod; be it further

*Resolved*, That a copy of this resolution with the vote thereon be forwarded to our Senators and Representative in Congress and to the House and Senate Committees on Interior and Insular Affairs.

HOWARD W. SEARS,  
*Town Clerk, Town of Barnstable.*

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CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., March 6, 1961.*

HON. ALAN BIBLE,  
*Chairman, Subcommittee on Public Lands, Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: My friend and constituent, F. Stanley Mikelk, of Gilbertville, Mass., member of the administrative board, fish and game division, Massachusetts Department of Natural Resources, is anxious to be recorded in favor of the proposal to establish the Cape Cod National Seashore Park.

I will appreciate it if you would see to it that Mr. Mikelk's endorsement of this legislation is included in the official record of the hearings scheduled later this week.

With thanks and best wishes, I am,  
Sincerely yours,

PHILIP J. PHILBIN.

U.S. SENATE,  
*March 9, 1961.*

HON. CLINTON P. ANDERSON,  
*Chairman, Committee on Interior and Insular Affairs,  
Senate Office Building, Washington, D.C.*

DEAR SENATOR ANDERSON: I am writing to urge that your committee give favorable consideration to S. 857 which provides for the establishment of Cape Cod National Seashore Park.

Given the constantly mounting commercial and residential pressure on the limited amount of land available on Cape Cod, I feel that unless part of the shoreline is preserved in the form of a national park in the near future, that we will lose for all time the possibility of making the shoreline available to the public.

I believe it is increasingly important to provide adequate recreation facilities for all our people. As you know, the excellent beaches on Cape Cod are well known and highly regarded.

Warm regards.  
Sincerely,

CLAIBORNE PELL.

## STATEMENT OF THOMAS L. KIMBALL, EXECUTIVE DIRECTOR, NATIONAL WILDLIFE FEDERATION

Mr. Chairman, the National Wildlife Federation is an organization composed of affiliates in 49 States and the District of Columbia. These affiliates are made up of more than 2 million individual sportsmen-conservationists.

Our people are quite concerned about the establishment of shoreline recreation areas. In fact, the National Wildlife Federation, in annual convention last year, adopted the following resolution:

"Whereas shoreline areas bordering such water areas as the Atlantic and Pacific Oceans, the Gulf of Mexico, Great Lakes, and many river systems offer invaluable recreational opportunities; and

"Whereas suitable shoreline recreational locations are fast dwindling in number due to private development, including industrial; and

"Whereas outdoor recreational needs are continually mounting as the population increases: Now therefore, be it

*"Resolved*, That the National Wildlife Federation endorses the principle of establishing national shoreline recreation areas for public use and petitions the 86th Congress to give early consideration to establishing such areas at Padre Island in Texas, Cape Cod in Massachusetts, in the Oregon Dunes of Oregon, Point Reyes in California and in other suitable places; and be it further

*"Resolved*, That legislation establishing such areas and regulations promulgated concerning them by the administering departments should recognize and provide for public hunting and fishing where feasible, and in cooperation with the State game and fish agency, as one of the appropriate forms of recreation."

Mr. Chairman, our position on S. 857 to establish the Cape Cod area is rather well outlined in the foregoing resolution, except we hope the 87th Congress carries through what was begun last year. We were happy to learn this area recently was recommended specifically by the President in a message to the Congress.

We, however, should like to recommend the consideration of two points:

First, that the Cape Cod area outlined be established as a national seashore recreation area, similar to that at Cape Hatteras, rather than as a national seashore park. We believe this designation would be more appropriate for the activities which are outlined in these bills.

Second, that hunting and fishing, including shellfishing, be permitted on the shoreline recreation area under regulations established by the Commonwealth of Massachusetts or political subdivision having jurisdiction for hunting and fishing. Towns outlined should continue to regulate the taking of shellfish within their jurisdictions. The Secretary of the Interior or his representatives should consult with Commonwealth and local authorities before determining what portions of the area would be opened to hunting and fishing, as well as shellfishing.

In conclusion, Mr. Chairman, the National Wildlife Federation believes it is essential that adequate public recreation areas be established, particularly in the populous eastern United States. We hope early favorable consideration can be given to this proposal for Cape Cod. We can safely say it is worthy of this type of protection.

Thank you, Mr. Chairman, for the opportunity of appearing.

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STATEMENT OF THE CAPE COD CHAMBER OF COMMERCE, HYANNIS, MASS., NORMAN H. COOK, EXECUTIVE SECRETARY

Mr. Chairman and committee members, the proposal before you calls for Federal acquisition of nearly 30,000 acres of land in Barnstable County, Cape Cod. Some of you have inspected the area, and know that this is not a wilderness area. Taking this land and opening it to the general public will have consequences not entirely clear at this time. A wide variety of opinions have been offered, from claims of great benefit to forecasts of disaster for our local economy. That substantial changes will take place seems inevitable. It is our ability to absorb these changes in whichever direction that concerns us.

We cannot believe that the Congress would deliberately set out to destroy our economy. Therefore, we hope you will provide safeguards that will help us absorb the impact with a minimum of hardship.

These safeguards should include payments in lieu of taxes for a period of time long enough to assure our town's financial stability. Twenty-five years



would not seem too long. Provisions for appeal to the Federal Courts could be provided to determine fair and equitable adjustments. This is a new and untried experiment, and our towns and county should not be left entirely to the mercy of administrative decisions. The Park Service's estimates of the number of people that will use this park indicate an extreme burden on local facilities for traffic control and public health and safety.

The matter of access to this area is of great concern to us. At the present time, there are approximately 112 miles of old-fashioned highways between the proposed park and the population centers of Boston and New York. These are now dangerously overcrowded in July and August. To impose a load five times greater (see p. 316, report on S. 2636, pt. 2, (June 2, 1960) which is the Park Service estimate, could be disastrous.

The cost of alleviating these conditions should be included in the estimates of the costs of this proposal. We are all too familiar with the effects of capital expenditure that do not include the operating and secondary costs. The proposal before you ignores these, and as presently drawn, will place the burden on the local governments. Our economy depends on vacation travelers, and our highways are barely adequate. If traffic doubles or increases five times, it could mean the trade we now need for our support, will be driven away because of travel difficulties.

Federal highway aid in this area is on a 50-50 basis, not 90-10. We believe that if the Congress decides that creating this park is in the national interest, it should not force local interests to pay for highway construction, as well as sacrifice the potential income from the land areas involved, and assume the other burdens this act will impose.

We hope you will include an authorization and an appropriation that continues repayments in lieu of taxes for many years, and provides for the entire cost of construction of access highways.

The sums involved in highway construction can be estimated from the facts concerning the section of U.S. Highway No. 6 from West Barnstable to Orleans, a 25-mile section of single lane, which cost \$7.5 million. From West Barnstable to the Cape Code Canal, a matter of 11 miles, there now exists a modern highway of limited access, with a safety median strip. Beyond this, new construction is needed. U.S. Route 6 to connect New York City, 55 miles; Massachusetts Route 28, to connect Massachusetts Turnpike, 20 miles; Massachusetts Route 3, to connect Boston, 12 miles, a total of 112 miles, which will cost in excess of \$59.7 million not including land damages.

Construction costs west and north of the canal will be higher than on the cape. Therefore, please include these costs as part of the cost of this proposed park. They could easily exceed the cost of the park itself.

A realistic appraisal of the total cost and provisions to meet them could help considerably in the creation of the park. As it now stands, the park cannot be created without the approval of the General Court of Massachusetts in granting Federal control in State-owned lands. It would seem doubtful that our legislature would approve, knowing that they will have to raise half the cost of the necessary highway construction.

I thank you for this opportunity to present our views on this matter.







